

IN THE MATTER OF: )  
 )  
MARINE FISHERIES ADVISORY )  
COMMITTEE FALL MEETING )

Pages: 231 through 489  
Place: Silver Spring, Maryland  
Date: September 24, 2014

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BEFORE THE NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

IN THE MATTER OF:                     )  
  )  
MARINE FISHERIES ADVISORY         )  
COMMITTEE FALL MEETING            )

Fenton Room  
Silver Spring Civic Building  
One Veterans Plaza  
Silver Spring, Maryland

Wednesday,  
September 24, 2014

The parties met, pursuant to the notice, at  
8:37 a.m.

BEFORE:   KEITH RIZZARDI  
              MAFAC Chairman

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P R O C E E D I N G S

(8:37 a.m.)

CHAIRMAN RIZZARDI: Good morning, everybody.

I hope everybody enjoyed the social events last night.

I know I really enjoyed the Science on a Sphere presentation. That was pretty neat. We're going to start our day two of the MAFAC meeting, and we've got two items on our agenda this morning that are both presentations.

The first one is on recovery, and Donna Wieting will be talking to us and giving us another opportunity as a body to develop an implementation report. So just as last year I guess it was Julie led an effort to take a look at how the ESA consultation process worked, this is an opportunity for us to take a look at recovery, and we'll be potentially reviewing past recovery actions, providing guidance to the staff on the future and specifically how could recovery actions be developed and successfully implemented.

It is just a briefing for this morning. There will be discussion that will take place at the subcommittee level, and then on Friday we will come back with further discussion to see if there is an action. But of course we're going to give you the opportunity to engage in Q&A.

1           After Donna, Russ Dunn will be talking to us  
2   about the recreational fishing documents that have  
3   been developed. After the recreational fishery  
4   summit, NOAA had developed a discussion guide. They  
5   then went out and had more than 25 different  
6   stakeholder dialogues. This is the outcome of that  
7   process. He's going to be presenting on the status of  
8   the efforts.

9           He'll share a pre-draft document which I've  
10   now learned is posted online. It wasn't included in  
11   the annotated agenda. But if you go back to the main  
12   MAFAC page and you click on the September meeting  
13   links, you'll see there's a link there for the  
14   document that he's developed, and this is an  
15   opportunity for MAFAC over the next couple of days to  
16   comment on that document.

17           Again, we're not going to take action on  
18   this thing this morning. It will be referred to the  
19   subcommittee. The subcommittee will chew on it a  
20   little bit, and then they will come back with a report  
21   for us on Friday and an opportunity for us to take  
22   some action. So, with that context, I'm going to turn  
23   it over to Donna and allow her to take the mike.

24           MS. WIETING: Okay. We do have a  
25   presentation up and -- okay.

1                   CHAIRMAN RIZZARDI: For the record, I'm off  
2 by a day. Thursday, not Friday.

3                   MS. WIETING: Yes. Great. Good morning,  
4 everyone. I'm sorry I wasn't able to join you last  
5 evening. I'm sure you had a great time. It was a  
6 good time to socialize.

7                   As Keith said, my name is Donna Wieting.  
8 I'm the Director of the Office of Protected Resources  
9 in Silver Spring. And I'm sure you know how we're all  
10 set up, but we have our own office in Silver Spring,  
11 and we have some national programs that we operate,  
12 and part of our job in addition to running our own  
13 national programs is to also work with the regions and  
14 centers that have protected resources programs and  
15 work with them to try to build a more national program  
16 with consistency, we try for that, and being able to  
17 work together productively to support all of our ESA,  
18 MMPA, and other requirements.

19                  But before I talk a little bit about  
20 recovery, which I'm really excited that this is a  
21 topic that we're talking about, this is a very  
22 positive topic, just a little bit about me because I'm  
23 hoping that this will be a beginning of a further  
24 relationship with the Office of Protected Resources  
25 and this body, and I hope you will see me as a

1 resource for you as I see MAFAC has the potential to  
2 be an even greater resource for us.

3 So I did my Master's at LSU on marine  
4 sciences, focused on fisheries. I'm not a marine  
5 mammal person from my background, my scientific  
6 background, but then came to NOAA as part of what used  
7 to be called the Sea Grant Fellows Program. I was a  
8 Sea Grant Fellow back in -- I'm not going to say. You  
9 all guess. You can do that as your pool later on,  
10 what year was she a Sea Grant Fellow, and spent time  
11 and have been with NOAA since, 25 years or so with  
12 NOAA, spent a number of years downtown NOAA working in  
13 the Chief Scientist's Office and on environmental  
14 policy issues across the agency, fun things like the  
15 spotted owl issue and fun things like looking across  
16 at a number of the sanctuary designations and then  
17 spent about 10 years with Protected Resources and  
18 working particularly on take reduction teams, fishery  
19 interaction.

20 So that's a lot of my public policy  
21 background in NOAA and then finishing as the Deputy  
22 for Protected Resources; went to National Ocean  
23 Service, headed up the Coastal Zone Management Program  
24 because I wanted to have more connections with the  
25 states. At our level, we have tended to have more of

1 the federal interagency relationships because of  
2 Section VII consultations. And, as you know, we're  
3 trying to do more with the states, and my experience  
4 at the Coastal Zone Management Program was very state-  
5 focused and I wanted to add that to my portfolio and  
6 my knowledge.

7 And I've been really fortunate to come back  
8 to Protected Resources as the Director and what a  
9 great way to have your career coming back to a place  
10 where I'm really invested in the issues, I'm invested  
11 in the topics, and I see so much potential for greater  
12 collaboration and relationship building. And so I'm  
13 very excited to be here today and to be talking with  
14 you about recovery, and I know this is an important  
15 topic for you all.

16 So I just want to run through a little  
17 background on what recovery is about as far as the way  
18 we look at it, what our requirements are, but very  
19 briefly, and then we'll get to really a proposal and  
20 we've been working with Julie over the last almost  
21 year or so. We've been having conversations on what  
22 would be a product, a good activity that we could work  
23 on together that would benefit us, something that we  
24 have not been able perhaps to get to as much as we  
25 could that would benefit from your input and your

1 connections and where you are on the ground seeing how  
2 recovery might work and then also something that you  
3 feel that you would benefit from as well. So we're  
4 going to propose this. There's obviously options for  
5 discussion about these proposals, but we think these  
6 might be good ones you might be interested in.

7 Before I go on, I just want to introduce my  
8 staff that are here. Therese Conant, she's our  
9 recovery expert, so any of the detail questions about  
10 recovery plans, I'm really glad she's here to be able  
11 to help with. Heather Coll is also with our same  
12 program, the recovery program, and works a lot on the  
13 Tribal Grants Program, so if you have some questions  
14 also about our Section VI Program, you can ask her.

15 All right, so let's move on. So, as I said,  
16 a little bit on the overview on what we do to support  
17 recovery, a little bit on recovery requirements, how  
18 we measure success and what the challenges are that I  
19 see and then talk about our ideas.

20 So basically here's what the statute found  
21 on protecting species. I consider just about  
22 everything we do should be in some way or another  
23 supporting recovery, Section VII consultations where  
24 we're working with other federal agencies. We are  
25 helping them to mitigate their actions so that there

1 is less impact. They can still carry out their  
2 mission, less impact, which will hopefully help  
3 support the recovery needs of the species. When we're  
4 certainly looking at the Section VI grants, these are  
5 the grants that go to the states where we're having a  
6 cooperative approach to species protection,  
7 conservation, and leading to recovery.

8 All of our programs are really about  
9 recovery, but recovery plans are fairly specific  
10 because they -- well, they need some more specificity,  
11 and that's what we'll talk about. But the recovery  
12 planning process is meant to be more specific by  
13 identifying what is needed to bring species back, to  
14 get them to a level where we can consider them  
15 recovered and therefore candidates for downlisting or  
16 delisting.

17 Just a little bit on the numbers. We have  
18 jurisdiction for 122 marine species. Don't tell Fish  
19 & Wildlife Service. They have a lot more than we do.  
20 And 32 of those are foreign species. So we can list  
21 foreign species. That's part of what the ESA calls  
22 for. We are petitioned to do that. But usually the  
23 foreign species are for us to be able to work with  
24 State Department, but we normally do not develop  
25 recovery plans for foreign species because of the

1 limited management authority we have.

2 Of those 122, 43 of them we already have  
3 final recovery plans. Some of those are older than  
4 others, and it's interesting to look back on how we  
5 put together recovery plans in the past. We have four  
6 of them that are now in draft and out for public  
7 comment. We have 15 species that are internal that  
8 we're working on developing, and again just on the  
9 process piece we're a management entity, but we are  
10 working closely with our science centers when we're  
11 developing recovery plans, when we're looking at the  
12 analysis for recovery as well as listing.

13 Twenty-three species that we haven't even  
14 started, and then as I said, 39 that we have the  
15 option of saying that these species, a recovery plan  
16 would not promote conservation. Foreign species fall  
17 under that category.

18 If you're familiar with the ESA, you'll  
19 notice that these recovery factors, those that are in  
20 recovery planning, are the ones that you're looking at  
21 as listing factors. So, if you've determined to list  
22 certain species because of these factors, one or more,  
23 and you're getting to try to define how are you going  
24 to recover them, you've really got to be able to  
25 remove the reason for the listing. So it's a pretty

1 easy connection between those two.

2 Now, as we often find in the federal  
3 government, especially on my side, that Congress can  
4 give us directions, but sometimes there's a lot left  
5 to the imagination. And in this case on recovery,  
6 they didn't give us a whole lot to work with, and so  
7 what we've done is we've of course developed recovery  
8 guidelines. Ours are in coordination with Fish &  
9 Wildlife Service. We don't want to have an approach  
10 that's different than theirs or vice versa, although  
11 we certainly understand at the species level there's  
12 going to be some differences. But as far as our  
13 guidelines for how we approach recovery planning,  
14 those we do together or at least in coordination.

15 And as I said, the ESA is directing us not  
16 very clearly but directing us to try to get them where  
17 you can delist or downlist so that the criteria that  
18 get you to listing them, the threats, the significant  
19 impacts, that you're removing those so that those  
20 species can get to a population level where you feel  
21 that they no longer need to be listed.

22 A little bit more about the statute. Our  
23 requirements have to do with developing and  
24 implementing these recovery plans, as I said, unless  
25 the plans, we don't believe that they'll promote

1 conservation. We're prioritizing those that are most  
2 likely to benefit from a plan. We want to be able to  
3 use other entities to help us develop the plan, often  
4 science centers and other experts that we bring into  
5 our recovery planning efforts, and then we of course  
6 provide public notice and comment and in a biennial  
7 process we report to Congress, and you can find that  
8 biennial report on our website.

9 We'll be updating that plan next year in  
10 2015, and that lays out all the species that are  
11 listed, the recovery factors that are involved, how  
12 we've prioritized those species as to which ones are  
13 in trouble but that there are actions in the recovery  
14 plans that we feel we can accomplish and make progress  
15 on. So I encourage you to take a look at that  
16 biennial report.

17 I mentioned that we do have policies and  
18 guidance and coordination with the Fish & Wildlife  
19 Service to get us a little bit more specificity than  
20 what we have in the statute. And are those all up on  
21 our website as well? Those are on our website. So  
22 please feel free to take a look at those as well.

23 Just to reemphasize, a recovery plan is  
24 guidance. It's not prescriptive in the sense that  
25 there is a requirement, that there are requirements by

1       us or by other parties. It is guidance. It is a way  
2       to say to the public, to interested stakeholders here  
3       are the things that are needed.

4               Now for us, we are going to use this as  
5       guidance for us to prioritize how we either focus some  
6       of our science efforts, focus our management efforts  
7       in trying to get to recovery. But many of the items,  
8       the actions that are in recovery plans are those  
9       actions that need to be accomplished by others, and  
10      that's where I think our relationship and us working  
11      with you can help us to address those. We can't  
12      require other stakeholders or other entities to carry  
13      out these actions, but I believe that if we had a good  
14      process of working with you all, perhaps we could  
15      identify those key actors who can help us accomplish  
16      some of these actions and get us closer to recovery on  
17      species.

18             It's an outreach tool. It's also a guide,  
19      as I said, for monitoring how we're doing with these  
20      species. And the biennial report helps us to put that  
21      into a document that the public can see.

22             In the '88 amendments -- I don't want to hit  
23      too hard on Congress -- they did add some more  
24      specifics to our requirements of what a recovery plan  
25      should look like, and we do need to have some site-

1 specific management actions, measurable, objective  
2 criteria which tells us when we would be able to  
3 remove the species from the ESA and the cost and time  
4 to carry out those measures.

5 And in conversations with some of you, it's  
6 clear that the cost and time to carry out can  
7 sometimes be overwhelming. How can we even attempt  
8 when you look at the number of years that are required  
9 on some of these species and what we need to do. I  
10 think maybe that gets us off in the wrong place, and  
11 we need to be thinking more about in the next few  
12 years, in the next number of years, and you and I have  
13 talked about, are there ways that we can further  
14 narrow the scope of the milestone.

15 So I think that was a great idea on us  
16 trying to look a little bit more specifically at some  
17 of these actions that we think we can take without  
18 having to look at the overall cost and number of years  
19 that the recovery plans identify, because I think once  
20 you get on the path of recovery, as Tony's talked  
21 about, we can get ourselves in a place where we can  
22 see the end of the tunnel, the light at the end of the  
23 tunnel hopefully and keep us going and make some  
24 greater progress.

25 This is all, you know, our speak. We

1 identify our measures of success. But they are  
2 important in that they do connect up with not only  
3 NOAA and NOAA's Annual Guidance Memorandum, NOAA's  
4 plans and also the Department of Commerce strategic  
5 plan. This is very important within the Department,  
6 and then also at the Administration level, the  
7 Government Performance and Results Act. So we are  
8 required to monitor how well we're doing and the  
9 progress that we're making on recovery.

10 I don't want to miss the fact that we are  
11 making progress on many species, and these are in many  
12 ways the direct result of actions on recovery plans.  
13 So, if we look at some of the large whales, for  
14 example, let me talk about North Atlantic Right Whale.  
15 I know that one best. When I was last here in  
16 Protected Resources back in the late '90s, early  
17 2000s, we were talking about 300 in the population and  
18 things looked dire. It did not look good.

19 Well, the actions that we focused on, the  
20 recovery actions were about fishery interactions and  
21 we had a take reduction team that was in place to  
22 develop a consensus approach to how to minimize  
23 fishery interactions for right whales and also ship  
24 strikes. And so we focused on those two significant  
25 impacts to the recovery of the species, and, you know,

1       it's almost unbelievable the progress that we've made.  
2       Coming back to Protected Resources six, seven years  
3       later, we're talking about 400 to 500 whales in this  
4       population with a growth rate of 2.6 percent. I think  
5       that's what I've got here somewhere.

6               That's huge. That's huge for a species that  
7       we thought was, you know, one we needed to write off.  
8       So I think that shows the power of focusing on  
9       recovery actions in a very determined way, that we can  
10      see progress in a fairly short amount of time even for  
11      a species like right whales that was so low in  
12      population and on the brink. Now does that mean  
13      they're ready to be taken off the list? No. But our  
14      goal is about recovery, and we're going in the right  
15      direction. So let's celebrate that.

16             In another case, if we look at Eastern  
17      Steller sea lions, those have been delisted, and that  
18      too, strong coordination with the State of Alaska on  
19      being able to work on the key threats and impacts to  
20      Eastern Stellers. And that again, a relationship with  
21      the State of Alaska, them talking about and writing  
22      down and making sure to implement their fishery  
23      management actions as well as ours, and we have  
24      delisted them. This is huge, and I think we need to  
25      really look at how those recovery plans and the

1 recovery implementation more importantly has led us to  
2 be very successful.

3 On monk seal recovery, again, monk seals are  
4 not doing well. I don't think any of us would say  
5 that. But the rate of decline, it's less steep. You  
6 know, in our world, you have to, you know, celebrate  
7 these points. But I think for that species too, which  
8 is seeing significant impacts by focused attention on  
9 the Northwestern Hawaiian Islands with our federal  
10 agencies and with the State of Hawaii with the  
11 increase in population, the main Hawaiian Islands  
12 focusing again on the recovery implementation, the  
13 action items that are in there between science and  
14 management and public participation, we have seen a  
15 real improvement in monk seal numbers and that rate of  
16 decline is less. So I want us to remember this and to  
17 think about how we can do more of this in our  
18 relationship.

19 Now not to say that there aren't challenges,  
20 the upper graph there is of our listings. Now that  
21 big spike has to do with we had three years with mega-  
22 listing petitions between 81 species that included  
23 international, the 83 coral species, and we had  
24 another group, a multi-petition. So that's why you  
25 see the spike there. That number, that's going to be

1 coming down to a more reasonable level. But we still  
2 have petitions to list both at our headquarters level  
3 but also with the regions. So that does take time,  
4 and there are specific requirements for us to have  
5 responses at a 90-day and a one-year, and so that does  
6 take us away sometimes from being able to do some of  
7 the other things we need to do.

8 Our just general line here on our budget is  
9 not great. We've had some spikes. We've had some  
10 declines. As Paul mentioned yesterday, we've had some  
11 increases of late, so that's good. But we do have  
12 challenges in meeting many of our responsibilities.  
13 And so partnerships are key for us and where we can  
14 work with you on this important aspect yet one that we  
15 might not be able to focus on as much as we want I  
16 think is really important.

17 So how can we work together? I think the  
18 point here is that we feel we've got a couple of  
19 areas, and again we're proposing this. We of course  
20 are going to have discussion about this. But we feel  
21 over the next year, by working fairly diligently,  
22 there are two areas, one more general and one a little  
23 bit more specific, where we can make some progress.

24 The first one is really about, a more  
25 general approach, is about a retrospective analysis of

1 recovery actions, taking a look at perhaps by taxa how  
2 we have structured the recovery plans, and again we  
3 see some differences between the older ones and the  
4 newer ones, and looking at how we have -- helping us  
5 analyze why those recovery actions have either not  
6 been -- no one's picked up on them, that they haven't  
7 been completed, that we haven't been able to bring  
8 them to an implementation phase.

9 Is it because of the recovery plan itself,  
10 that it hasn't been clear, that the measures that  
11 we've identified are not understandable, they're not  
12 feasible? Is it that we haven't been able to connect  
13 with the key parties that can help us accomplish it?  
14 So really getting to the idea of what is it that we  
15 are missing on these recovery plans where we don't  
16 have implementation on the action items and how can we  
17 better design the plans so that they can be more  
18 effective.

19 So I'll leave that there as sort of a  
20 general idea that the output then would be for you all  
21 to recommend to us ways for us to improve our recovery  
22 plans specifically around our recovery actions so that  
23 we will have a better chance that they'll be  
24 implemented. I think as you would look at the  
25 recovery plans you'll see that some actions are not at

1 all being picked up on, and again most of them do not  
2 fall within our ability or our authority to connect,  
3 to have happen and so how do we make sure that we can  
4 affect the outcome.

5 So that sort of is the one task, one action  
6 which is the more retrospective broader look of our  
7 recovery actions and our recovery planning generally.  
8 More specifically, I think that you all have  
9 partnerships, you have connections that we don't, and  
10 as I've been mentioning, many of the actions and  
11 recovery plans, we need others. We need others to  
12 say, okay, I sign up, I'm going to try to make a  
13 change, I am going to try to prioritize this, for  
14 example, as a state in my state action plans or, as a  
15 fishery management community, here's what the council  
16 might take a look at as an approach to try to address  
17 this recovery item.

18 So we looked at examples of some recovery  
19 plans and the action items that haven't even been  
20 started, one around Smalltooth Sawfish, one around  
21 Atlantic Salmon, and we just picked these because they  
22 were more fishery-related and thought that these might  
23 be of interest. And so taking a look at these, how  
24 can we build partnerships to try to get to some of  
25 these action items that are particularly related to I

1 believe the communities that you are connected with.

2           We think that the key stakeholders -- and  
3 these can be tribal organizations, they can be  
4 agencies of the state, they can be again fishery  
5 management community -- we think that they can  
6 influence these recovery actions, and we'd like your  
7 recommendations and your advice on how to do that, how  
8 do we better connect with them, how do we get them  
9 jazzed about recovery in a way that they see a value  
10 in their taking on some of these actions.

11           So, in summary, you know, a recovery plan  
12 can be one of the most important aspects. It's what  
13 we're about in ESA, right? I mean, our goal is to  
14 delist, get them off the list because they have  
15 recovered, because they are in great shape and they  
16 can now be functioning elements of the ecosystem in  
17 the way that they should. But a plan without enough  
18 specificity, without the ability to implement them,  
19 without clear community organizing to support the  
20 recovery action items, they can't be as effective as  
21 they could. You can't rely certainly on us to be able  
22 to accomplish all of the recovery action items.

23           So that's what we put before you, and I  
24 don't know if I want to put questions there or if you  
25 want me to put the first one back on the -- I'll put

1 the first one back on, so talking about the  
2 retrospective analysis, and I don't know how you all  
3 want to do this, whether Julie wants to say anything  
4 or -- I leave that up to you, Keith.

5 CHAIRMAN RIZZARDI: Thank you, Donna, for a  
6 very informative presentation on what I think is an  
7 important subject because with the increasing number  
8 of listings, the burden continues to increase and we  
9 always need to keep our perspective on the ultimate  
10 goal of the Endangered Species Act, which is to take  
11 the species off the list in the first place. So  
12 members, comments? Pam?

13 MS. YOCHER: Julie had her hand up first.

14 CHAIRMAN RIZZARDI: Julie?

15 MS. BONNEY: Just a couple questions for  
16 Donna. One is how long does a recovery plan, you  
17 know, sit on the shelf? I mean, does it have to be  
18 refreshed with new science? In other words, is it a  
19 lifetime or does it have to be redone every 10 years  
20 or something like that?

21 MS. WIETING: Our intent is a five-year  
22 status review. We don't always make that. But that's  
23 the intent is for us to be reviewing the status of the  
24 species every five years. Now Therese, as far as the  
25 five-year reviews, in some cases we're not totally

1       revising the recovery plan because there may not have  
2       been that many changes in a five-year period for, you  
3       know, some of these species. For others, there may be  
4       a more wholesale update, right?

5               MS. CONANT: Yes, Donna. As you mentioned,  
6       every five years we do a review of our recovery  
7       progress to see if we're meeting our recovery actions.  
8       I'm sorry. Can everybody hear me? We're meeting our  
9       recovery actions. And if we're not and something  
10      needs to change and there's new information, we then  
11      will make a recommendation to revise the recovery  
12      plan. Okay. We'll make a recommendation to revise  
13      the recovery plan.

14             MS. WIETING: But even within the context of  
15      that five-year review process, any time there's  
16      emerging new information that would compel us to  
17      change or revise a recovery plan, we should do so, and  
18      that revised recovery plan then goes out for public  
19      comment and review just as the original draft does.

20             MS. BONNEY: So my experience at least in  
21      the North Pacific with steller sea lions is the  
22      fishing industry didn't have a choice to engage in  
23      terms of meeting what the recovery -- many of the  
24      actions and the threats for steller sea lions. So  
25      it's a little bit of a disconnect for me to have the

1 idea that you have a recovery plan and then there's no  
2 action because in our case they were going to shut the  
3 fisheries down, so we either responded or we didn't go  
4 fishing. So what's the difference in these type of  
5 actions where you're basically saying we have certain  
6 things we want the fishing industry to do, but yet we  
7 can't get the industry to move forward? So it's a  
8 disconnect for me because in our case we didn't have a  
9 choice.

10 MS. WIETING: Well, I'm not real familiar  
11 with that case. I think in most situations what the  
12 goal is is that once we have a recovery plan out there  
13 that there would be a discussion about the impacts and  
14 the threats. But once, you know, the sort of the  
15 whole process, once we have the species listed, of  
16 course, then we've got to implement measures to reduce  
17 the impacts, right. We've got to be able to make sure  
18 that the activities that are going on by other federal  
19 agencies certainly within the Section VII process are  
20 not, you know, further endangering. And so that is  
21 probably where the focus is. The focus is certainly  
22 with that species.

23 When it gets to in looking at the recovery  
24 plan generally, that's where we can do some more  
25 proactive -- proactive may be not the right word, but

1 nonregulatory work to try to make some improvement.  
2 So I think there's two parts of the process. There is  
3 the Section VII consultation process which is going to  
4 be implementing measures to reduce impacts, which we  
5 have to do by the ESA. But then there's the recovery  
6 process, which is really more about, okay, what are  
7 the things that we can do in addition to our  
8 responsibilities there to make progress.

9 I don't know if that's answering your  
10 question, but I'm happy to talk with you more about  
11 the steller situation. It's complicated, as you know,  
12 in many ways and I don't know the ins and outs of it.

13 MS. BONNEY: One more followup, and then I  
14 won't ask any more questions. But a lot of the  
15 recovery actions at least for the steller sea lions is  
16 a lot of science-based information. In other words,  
17 we need more information about whether killer whales  
18 are influencing the population or whether there's some  
19 kind of metals that are associated in the water.

20 So it seems to me in the recovery actions  
21 that you have a science side or things that the Agency  
22 is supposed to do along with your other partners. So  
23 how do you decide whether you're meeting your mandate  
24 as well as the other partners that you're trying to  
25 bring along?

1 MS. WIETING: Well, I hope you will keep  
2 asking questions because I think we do want to make  
3 sure that we're as clear as we can be about how we go  
4 about these processes. But I think you've hit on an  
5 important point, and I don't know if we discussed in  
6 detail about the planning process that's going on with  
7 the science enterprise within our Agency as well as  
8 the management side.

9 And we're trying to do that very thing a bit  
10 more strategically and in a targeted way where the  
11 science centers are looking at their actions and where  
12 they're focusing their resources and making sure that  
13 those are tied back to important management questions,  
14 and recovery plans are part of that. But, you know,  
15 there's only so much to go around, so we do have to  
16 prioritize. They have to prioritize on what aspects  
17 of that they're going to be funding.

18 But that's the idea is that they would be  
19 able to look at the recovery plan for whatever species  
20 and be able to identify what are the science needs and  
21 focus some of their resources on addressing some of  
22 those science questions so that we can get to better  
23 recovery. And that's on us as well on the management  
24 side is to make sure that we've got the recovery plans  
25 up to date, that these are the science questions that

1 we really want answered.

2 And that's why I think too discussion about  
3 that is important because some of the plans are a  
4 little bit older, and we do need to look at those and  
5 say is this still the question that we need to answer,  
6 has there been progress in this area, and should we  
7 now be focusing on some of these other action items  
8 instead of those. So that's part of the overall  
9 attempt that we're taking to try to get a better  
10 handle on our recovery plans.

11 MS. YOCHAM: I think it's my turn. I know  
12 the point of the discussion today is to look at how we  
13 can improve the recovery process, but I just wanted to  
14 really thank you for the slide that you showed with  
15 the successes because I think that that is something  
16 that's often lost in the communication certainly with  
17 the general public.

18 The celebration is always about a new  
19 species that's been listed, and I recognize that, you  
20 know, we don't always get to delist them. But even  
21 this incremental process or progress that has been  
22 made, I just think that's extremely important to  
23 prevent people from becoming fatigued with the whole  
24 idea of endangered species. People know that, you  
25 know, the list is long, and then when they hear that

1       now a bunch of foreign species have been added to the  
2       list, oh, my gosh, if they were aware, more aware of  
3       some of these success stories, even the incremental  
4       ones, I think that would be really, really helpful.

5               MS. WIETING: Well, I'm glad you appreciate  
6       that because Sam and I talk about this a lot about the  
7       importance of this, one, for ourselves to keep  
8       ourselves recognizing that we are making progress and  
9       the actions that we're implementing are important.  
10      And I think too that, you know, we forget many of  
11      these species were commercially, you know, harvested  
12      if we're looking at large whales, for example, for a  
13      long, long time and when they were listed, they were  
14      in real trouble.

15             And in the last 40 years or so, we've made  
16      significant progress on many of them and need to make  
17      sure that we're aware of that and retrospectively look  
18      at what are the measures that have really helped us  
19      get there. Some of them we have more direct impact.  
20      I'd say on North Atlantic Right Whale, certainly it's  
21      very clear that the measures that have been put in  
22      place have significantly contributed to their growth,  
23      and that hasn't come without difficulty. Certainly I  
24      was part of the take reduction team process in the  
25      beginning and it was hard and the ship strike rule was

1 hard. But we're seeing the progress, and we do need  
2 to celebrate that and make sure that as we're looking  
3 at other recovery actions we're focusing on those that  
4 we think will have a good chance, one, that we can  
5 accomplish and, two, that will be successful for the  
6 species.

7 MR. CLAMPITT: Thank you, Donna. I've got a  
8 question. It seems like earlier you said that a lot  
9 of this delisting or recovery plan, getting animals  
10 off the list or moving from endangered to threatened  
11 is because cost and time is overwhelming. And so, you  
12 know, looking at some of the recovery plans, you know,  
13 as a layman, you look at it and it looks like, well,  
14 this is pretty simple. All you need to do is go out  
15 and count the animals.

16 But it seems -- isn't the problem that you  
17 have a certain pile of money and you have to decide  
18 where you're going to spend it. You have this huge  
19 list. And so how do you pick the -- I mean, is there  
20 a way you have to treat everything the same, or can  
21 you pick the low-hanging fruit, the ones that, okay,  
22 this is an obvious one, let's just spend some money on  
23 this, we can get it off the list and then we can move  
24 on, or how do you make that decision?

25 MS. WIETING: Well, I don't want to imply

1       that money is the sole problem or sole reason.  
2       Obviously resources, it's always challenging with  
3       limited resources and the amount of responsibilities.  
4       But some of the challenges are just hard to get to,  
5       hard to make progress on, and some of them are at the  
6       early stages and we may not see results for a while.  
7       As I said, many of these species got to a very low  
8       population level, and so getting them back to a place  
9       where you'd even consider downlisting or delisting  
10      will take a long time.

11               But I think in what you're talking about in  
12      prioritizing, that certainly if you look at our  
13      biennial report it tries to lay out what our  
14      priorities are. There are a lot of them. We're  
15      trying to look more clearly at the ones we prioritize  
16      and see are there some action items within those, are  
17      there some areas of the ones that we've already  
18      identified or maybe there's a subset of those that  
19      we've looked at that are in the biennial report that  
20      we would go ahead and focus our attention.

21               So, yes, we have a responsibility of course  
22      for conserving all of the species on the list, but in  
23      a limited environment we do want to try to hit those  
24      actions that we think will have good progress. And  
25      that too is, you know, our discussion here today. I

1 do think too that recovery and the standards for  
2 recovery, population level is one standard.

3 But in almost all cases -- well, I would say  
4 probably in all cases there are other factors that  
5 also are part of the recovery, I'm calling it a  
6 recovery standard, but the goal that you're trying to  
7 reach. And, for example, for large whales, we have  
8 guidance on how we look at risk and risk analysis for  
9 them when we look at downlisting or delisting. And  
10 for many of them as well, we need to make sure that  
11 they are going to be able to continue to recover once  
12 they are down or delisted from the ESA, and that  
13 requires us to be able to address those other factors  
14 as well in the listing.

15 So population numbers alone, I just want to  
16 make sure that that's clear, are not the only factor  
17 that goes into looking at whether they're candidates  
18 for downlisting or delisting, but knowing the numbers  
19 is an important part of it.

20 MR. CHATWIN: Hi, Donna, thanks very much  
21 for your presentation. I really appreciate that, and  
22 I am all for your emphasis on recovery. I'd just like  
23 to say that. One of the powerful tools that you have  
24 at your disposal are the recovery grants, and I would  
25 ask you if you could to elaborate a bit on how they're

1       used to accomplish your goals. I think they can be  
2       really effective in bringing more partnerships on  
3       board and also to helping catalyze the actions that  
4       are needed by others. That's how we use our grants.

5               MS. WIETING: Uh-huh.

6               MR. CHATWIN: But I just wondered if you  
7       wouldn't mind sharing with us how those are used.  
8       Thanks.

9               MS. WIETING: I may have to ask Heather for  
10      some help here for the specifics. But, I mean,  
11      generally that's of course the case that we take. For  
12      a number of years we had funding. I think they were  
13      in the 4 million, \$5 million range for our Section VI  
14      species recovery grants, and these are the grants with  
15      states to address recovery actions, and so they tended  
16      to be for smaller projects, often habitat protection  
17      type of projects but others as well, and Heather can  
18      give us some examples of those.

19              I think we did have a spike in the  
20      appropriations which helped us reach more states and  
21      more projects. But we do try to line up what the  
22      recovery actions are. I mean, that's part of the  
23      grant process is looking at what are the actions that  
24      are in the recovery plans and how will the state  
25      project or state application meet that. Heather,

1 would you like to add anything to that?

2 MS. COLL: When we go about selecting  
3 applications, we have two different panels. We have  
4 an expert reviewer panel that's made up of scientist  
5 experts that we solicit to be on the panel. And then  
6 we also have an internal review panel. And one of the  
7 main criteria that we look at is whether this  
8 application and the goals that they have to come out  
9 at the end of the science is in a line with recovery  
10 goals from particular recovery plans.

11 And so those applications are given priority  
12 because they are given a larger number of points by  
13 the review panelists and the expert reviewers, and so  
14 that is how they can be clearly linked to the recovery  
15 plans. And the applications that are more heavily  
16 weighted by points in that regard will come out on top  
17 if that makes any sense.

18 MR. CHATWIN: You mentioned science  
19 projects. Are they always targeting science projects,  
20 or are they all sorts of projects?

21 MS. COLL: They're also management projects,  
22 yes. Yes. They're not just science. I didn't mean  
23 to imply that, but yes.

24 MR. RAUCH: I just wanted to add a little  
25 bit to this topic, that the species recovery grants

1 are actually the smaller of our recovery grants. The  
2 most significant in terms of our investment of  
3 endangered and threatened species are the Pacific  
4 Coast Salmon, and we have a Pacific Coast Salmon  
5 Recovery Fund that is funded anywhere from 30 to 60 to  
6 I think at one time it might have even been \$80  
7 million, 120.

8           Yeah, so we have since that fund was created  
9 spent over a billion dollars in grants to states that  
10 they then grant out to others specifically for salmon  
11 recovery. And it's similar. There is a competitive  
12 process that the states run. But it is a much bigger  
13 investment in the recovery of salmon stocks than we've  
14 made in other stocks. Congress, you know, sets those  
15 parameters. But we have spent an awful lot on salmon  
16 recovery more so than other species. But it is  
17 allocated directly as block grants to states but on a  
18 competitive kind of process. So I just wanted to add  
19 that.

20           MR. CLAMPITT: Thanks. If you could, I know  
21 you put up on the board the other day, but what's the  
22 total budget for recovery or for your department?

23           MS. WIETING: For Protected Resources.

24           MR. CLAMPITT: Protected Resources, yeah.

25           MR. DOREMUS: I can give you the numbers.

1 MR. CLAMPITT: All right, thanks.

2 MS. WIETING: Yeah, I can give you general,  
3 but I'd rather have Paul make sure we've got it right.

4 CHAIRMAN RIZZARDI: Okay. So I'd like to  
5 add a couple things for -- oh, somebody else? Bob?

6 MR. BEAL: Thanks, Keith. This salmon  
7 talk's got me interested. Is there --

8 MR. CHATWIN: The salmon talk or the \$110  
9 million?

10 (Laughter.)

11 MR. BEAL: The \$110 million. No, I know a  
12 fair amount of money actually -- yeah, no. A fair  
13 amount of money goes to Atlantic Salmon actually. Is  
14 that a competitive bid process through the Protected  
15 Resources Office, or is that separate line items  
16 through the Congressional budget?

17 MS. WIETING: When you say a fair amount,  
18 there's some of it that would go through -- there are  
19 probably applications under the Section VI Grants  
20 Program for Atlantic Salmon. There is some money that  
21 comes from the overall appropriation within Protected  
22 Resources. So there is a -- I'm trying to remember  
23 what the line was, but there was a salmon line that  
24 included both Pacific and Atlantic, I'm pretty sure.  
25 And so there was a dollar amount there. But of course

1 Fish & Wildlife Service does put some money into that  
2 and there is a cooperative work that goes on with the  
3 states with that Atlantic Salmon money. I'm sorry, I  
4 don't have the specific dollars for you, no.

5 MS. EDER: Mr. Chair, thank you for your  
6 presentation, Donna. I want to say we're from the  
7 commercial fishing fleet on the West Coast, and we  
8 have experience in working as a partner in regard to  
9 short tail albatross. For example, there's a concern  
10 with interaction with long line vessels. And so we've  
11 worked cooperatively with Sea Grant and with our  
12 industry to get the word out about needing streamers  
13 on vessels to prevent the interaction because a take  
14 of one or two will shut down the fleet.

15 So we are really happy to work  
16 collaboratively in getting that word out and concern  
17 about that interaction. At the same time, there's a  
18 real concern that what applies to the fishing industry  
19 doesn't necessarily carry over to other parts of the  
20 federal government. In other words, BOEM is moving  
21 very rapidly forward with the development of wind  
22 energy.

23 And so industry has some concerns that  
24 sometimes the left hand doesn't know what the right  
25 hand is doing or that perhaps the most vulnerable

1 population, so to speak, the fishing industry, is the  
2 one that's being most regulated whereas BOEM really  
3 has a free hand, is a very top-down organization, has  
4 this free hand to move forward with development, and  
5 they intend to implement and have wind turbines in the  
6 water by 2017.

7 So just some feedback on sometimes about it  
8 may not be reality, but it certainly is perception  
9 that there's disparate approaches to the different  
10 populations, whether it's the short tail albatross or  
11 the fishing fleet, in terms of how they're affected  
12 relative to the operations of the federal government.  
13 So just some thoughts.

14 MS. WIETING: No, I appreciate that,  
15 Michele. I think sometimes and I'm not saying it's  
16 necessarily in this case, but sometimes it happens.  
17 It depends on where one is in the process. So if BOEM  
18 is coming in with a consultation on a five-year, 10-  
19 year plan -- I'll just talk about where it's oil and  
20 gas development -- there are different steps in that  
21 process where we're consulting with them and trying to  
22 work with them on the mitigation measures which may  
23 not be in sync with where you are in the fishery  
24 management process.

25 And so you may be getting the consultation

1 results at an early part of the overall discussion and  
2 you're not maybe seeing something happening with us  
3 and BOEM. But there are likely, I would hope likely  
4 ongoing consultations that may not come out into the  
5 public until later on in the process. But I do take  
6 your point that the perception can be that we're not  
7 bothering them, but in fact we would be consulting  
8 with them and applying, you know, the criteria  
9 hopefully the same. That's our intent.

10 MR. RAUCH: Let me just make a comment the  
11 short tail albatross is Fish & Wildlife Service's  
12 species. So to the extent there's disparate  
13 treatment, it is not by us.

14 (Laughter.)

15 MS. EDER: Mr. Chairman, I was a little bit  
16 concerned that might be the case. But it's on the  
17 ocean.

18 MS. WIETING: I figured -- I was just  
19 addressing it from a more general comment.

20 CHAIRMAN RIZZARDI: Liz?

21 MS. HAMILTON: Yeah, thank you. We're  
22 talking about process, which sort of triggered a  
23 thought from the Northwest, which is that, you know,  
24 we have on salmon fishery recovery fishery management  
25 plans, hatchery genetic management plans, biological

1       opinions, and at least to a layperson like myself,  
2       it's very confusing how that relates to recovery and  
3       what are the linkages and the lack of similarities.  
4       And the other constructive comment I hope is I would  
5       probably take that salmon one off of your first slide  
6       in that there's about a million fish over Bonneville  
7       now, but up where they're listed, there's only 37,000.

8               So, yeah, those million fish are headed for  
9       Hanford Region. They're the healthiest stock in the  
10      lower 48, and listed fish are still very small numbers  
11      and largely tribal hatchery fish. So just I mean that  
12      in a helpful way. But so, yeah, so connecting those  
13      things to recovery is just super important, and I  
14      think for a lot of us we don't understand how it all  
15      goes together.

16             MR. RAUCH: So let me -- particularly in the  
17      Pacific Northwest we've been struggling for years.  
18      There are various recovery plans. And in each one of  
19      the salmon biological opinions, they consider what the  
20      contribution is towards recovery. Salmon because they  
21      range from the mountains to the ocean and interact  
22      with virtually everything in between and are not only  
23      an important commercial fishery for the unlisted  
24      stocks but interact with hydroelectricity, irrigation,  
25      the entire population structure of the west because

1       it's dependent on that hydro power is intertwined with  
2       salmon. And it's not just the runs in the big rivers.  
3       It is also in the coast, all those smaller coastal  
4       runs. It gets very complicated with salmon, and what  
5       is needed to recover a Columbia River stock may be  
6       completely different than coastal Coho or Puget Sound  
7       Chinook.

8               So I take your point that it gets very  
9       difficult. We do try to make sure as a regulatory  
10      matter that everything you're doing is contributing to  
11      recovery in some fashion. But we do often struggle  
12      with how you articulate not only the goals to the  
13      public but progress to the public. And I would  
14      disagree. I mean, I think the fact that we have  
15      doubled the number of fall Chinook is a significant  
16      achievement, and many of those are going upstream more  
17      than they were in the past and that we should not  
18      downgrade the significance of that. Just because  
19      they're not recovered doesn't mean we're not making  
20      significant progress.

21             MS. BONNEY: So I think that Sam said  
22      probably the key to what I'm thinking is I think if  
23      people can understand things in a easily digestible  
24      message because a biological opinion is what, 5,000  
25      pages sometimes, and if you could break things down to

1       these are tasks that are part of the recovery that are  
2       easily identifiable, relatively easily accomplishable,  
3       I think you'd have better success on getting your  
4       partners to step up. Also understanding the grant  
5       process and how that would work to help get the  
6       funding moving.

7               But if the messaging isn't right, one is if  
8       the public or the partners feel that the recovery plan  
9       is outdated and it's not been updated, I think people  
10      aren't going to buy into that. And two, if they feel  
11      like they can do something positive within a certain  
12      timeline that's going to help those stocks, I think  
13      people would step up and do it, especially knowing  
14      that there was funding available.

15             A lot of those gear type things I think  
16      would be relatively easy to accomplish on a fishing  
17      side as long as there was the process, the science  
18      person to look at the gear, what you might need to do  
19      to understand the fishery behavior or the marine  
20      mammal behavior and then a pot of money to move  
21      forward with some kind of research design. But unless  
22      somebody understands what is needed, I don't think  
23      you're going to get your partners because it's just  
24      too big of a topic overall. That's my thought.

25             CHAIRMAN RIZZARDI: Randy?

1           MR. FISHER: I was just curious to find out  
2     what we're looking at in the future. I remember we  
3     had a presentation once about the process for listing  
4     and that there was a lot of gamesmanship going on by  
5     some of the NGOs about trying to list everything in  
6     the world or wanting to list everything in the world.  
7     So what's the relationship between the recovery folks  
8     that you have working for you and the people that are  
9     determining whether something actually should be  
10    listed? Is it the same people, or is it different  
11    people, or what are you looking at?

12           MS. WIETING: Generally on my staff they're  
13    within the same division. The species might differ.  
14    Someone may be working on a listing and another person  
15    might be working on recovery. But usually it's people  
16    who know the species. But there are of course  
17    recovery and listing actions that happen around the  
18    country as well that we work with people with the  
19    regions on. And in these processes, we don't do these  
20    as one individual working on the listing or the  
21    recovery plan. These are group efforts that involve  
22    our regions, our centers and different bodies of  
23    people brought together who are the experts in these  
24    areas both for the listing and for the recovery. So  
25    although it might be the same folks who have the lead

1       for it in my office, it's really a much broader group  
2       effort.

3               MR. RAUCH: And let me add around the  
4       country I think it is different. For instance, the  
5       West Coast right now doesn't have a number. They used  
6       to have a lot of listing petitions. They worked  
7       through that, and there are not very many listing  
8       actions pending. Much more of their staff is focused  
9       on recovery or consultations, but listing is a small  
10      part of what they do now.

11             It is a big part of what the Southeast and  
12      Pacific Islands are doing now because of the listing  
13      petitions. But over time that might change and they  
14      will focus once again on recovery. So the listing  
15      burden comes and goes depending on what the effort.  
16      Right now the Southeast and Pacific Islands are under  
17      a significant workload constraint. West Coast was  
18      there 10, 15 years ago. They worked through it. And  
19      so my hope is that this will come and go and we can  
20      focus on once we get through this post of listing in  
21      the tropical waters, then we can start to focus truly  
22      on recovery like the West Coast is doing.

23             MS. YOCHAM: I just wanted to mention,  
24      Donna, you and I talked offline about the progress  
25      that you're trying to make with regard to streamlining

1 the permit process, and I think that's something  
2 that's important for some of these recovery plans as  
3 well, making sure that NOAA scientists and other  
4 scientists who have data that they need to collect or  
5 in some cases I know of examples -- and this was  
6 actually a Fish & Wildlife Service example, not an  
7 NMFS example, so I won't cite it, but where there was  
8 a gear modification that had been developed in sort of  
9 laboratory setting that then they wanted to test, you  
10 know, in a limited field situation and weren't able to  
11 obtain a permit to do that. So I think those efforts  
12 are really important too, and that's something that  
13 presumably wouldn't cost additional dollars if you're  
14 able to work on streamlining that process.

15 MS. WIETING: Yeah, absolutely, that is one  
16 of my goals. We're revising our team in that division  
17 within my office and we are looking very closely at  
18 recommendations on improving the process, streamlining  
19 and still meeting our mandates, but making it much  
20 easier for applicants to understand the process and  
21 hopefully be able to get their permit in a timely  
22 manner.

23 Some of it is workload-associated, but some  
24 of it is also as we talked about having other ways of  
25 making the process faster either by peer reviewed best

1 management practices that we can refer to, further  
2 expanding our relationship with the IACUCs and being  
3 able to have an easier application process. So agreed  
4 and happy to follow up with you on your thoughts on  
5 that offline as well.

6 MR. BROWN: I appreciate your comments, and  
7 I was wondering if there's any move afoot to put sort  
8 of timelines in recovery plans as they're developed so  
9 you have some kind of a feel for horizons when things  
10 are going to be accomplished as opposed to a cookbook  
11 of things that need to be done.

12 MS. WIETING: Well, certainly in developing  
13 the recovery plans, you know, we do have a timeline  
14 that we shoot for as well as the status reviews and  
15 updates. You know, again, we don't have for the  
16 specific action items. And given the range of actions  
17 out there and the range of other requirements, we're  
18 not looking at adding any specific -- and again, that  
19 would be a statutory change as far as I know.

20 CHAIRMAN RIZZARDI: Actually, I'd like to  
21 address that, and this is something I wanted to  
22 suggest that Julie -- I have some timing issues I  
23 think the Protected Resources Committee should  
24 discuss, and I wanted to throw some stuff out there  
25 because, Donna, your presentation focused on how to

1 implement the recovery plans, but you also noted that  
2 many species don't have a plan, and then we have this  
3 issue of five-year reviews.

4 And what we're starting to see nationally  
5 and even internationally is an increasing number of  
6 lawsuits associated with recovery plans. There are  
7 lawsuits in Canada under their Species At Risk Act  
8 over marine mammal protection. The U.S. Fish &  
9 Wildlife Service lost a lawsuit over the failure to  
10 complete a links recovery plan. So we know that  
11 there's this risk. So one thing I think we should be  
12 thinking about is whether we need a recovery plan at  
13 all and being able to identify that.

14 You mentioned foreign species. Maybe that  
15 logic in some cases applies to highly migratory  
16 species as well, and maybe there are reasons that  
17 particular migratory species don't need recovery  
18 plans, and we should at least think about that.

19 The next question I think we need to think  
20 about is when to create the recovery plan because even  
21 the act of making the plan takes your time, takes your  
22 staff, takes your resources. I mean, these require  
23 you to sink time, and you have a whole number of plans  
24 you need to develop, so when are you going to do them.  
25 The Endangered Species Act explicitly gives you the

1 ability to set priorities and, in fact, it says that  
2 when you set the priorities, you're supposed to focus  
3 on those with construction or development projects or  
4 economic activity that are creating the risk.

5 So I think you have more discretion than  
6 maybe you realize in the timing of when you undertake  
7 the recovery planning exercise. I'd encourage us to  
8 take a look at what kind of internal guidance has been  
9 developed over the years because when the Fish &  
10 Wildlife Service lost their links lawsuit, they lost  
11 it because of internal documents that suggested they  
12 needed to do a recovery plan in 90 days, and I don't  
13 think there's any realistic possibility of doing a  
14 recovery plan in 90 days. So they had this document  
15 floating out there that was used against them. And I  
16 would hope that we would be cautious and develop a  
17 document that would say, you know, recovery planning  
18 takes time and set priorities appropriately.

19 And my last big point is I think we should  
20 think about in what order do you implement your  
21 recovery plans. Some species might benefit more  
22 quickly and others might take much more time. And if  
23 you have a species that you identify, for example,  
24 that, you know, tearing down this one dam would make a  
25 huge difference for the whole population upstream and

1       could immediately get you to delist the species, wow,  
2       maybe that one should be put as a bigger priority.

3               Other factors we might want to think about  
4       are do we have a keystone species or is this an  
5       umbrella species and maybe that one should be  
6       prioritized. But you have multiple species with  
7       competing demands, and sometimes you might even have  
8       interspecies conflicts, benefitting one species hurts  
9       a different one, and those things should be taken into  
10      account in the implementation process.

11             So I realize this was a lot of commentary.  
12      Julie, I'll pass you some written comments for you to  
13      think about. But, I mean, these are all really big  
14      issues that I think should be chewed on in the context  
15      of preparing a report on implementing recovery plans.

16             MS. WIETING: If I could respond, Keith.  
17      So, you know, you did see that there are some species  
18      for which we do not have recovery plans yet and others  
19      where we're in the process. And I think there is an  
20      internal prioritization that happens as a matter of  
21      course in looking at those species that we feel need  
22      to have an updated plan. As Therese mentioned, if  
23      there's new information that comes up that we think is  
24      really important, then we want to be able to make sure  
25      that that's incorporated, particularly if it has an

1 outcome on the action.

2 So I don't want to leave the impression that  
3 there's not some level of prioritization even though  
4 the goal is to have recovery plans for all of the ones  
5 that we should or the ones that we've determined would  
6 benefit from a recovery plan.

7 And again, looking at the biennial report,  
8 and I wish I had added the link here, that will help  
9 you see how we have used a 1990 guidance that we have  
10 on how we prioritize and how we prioritize within the  
11 listed species, and it goes to some of the points that  
12 you did talk about on, you know, level and type of  
13 threat, the status of the species, the ability to  
14 accomplish reduced threats to these species.

15 So I think there is some of that, and we're  
16 happy to talk more about that, whether in the working  
17 group or otherwise, to have a better understanding of  
18 how this carries out. But I take other of your points  
19 about some of the other guidance, and we'd be able to  
20 share that with you as well so that you can see the  
21 kind of background and guidance that we do use now.

22 CHAIRMAN RIZZARDI: Tony?

23 MR. CHATWIN: And this is actually a  
24 clarifying question to you, Keith. In the cases where  
25 you are saying a recovery plan might not be needed,

1       you followed that with saying, well, the  
2       implementation of actions, what would identify actions  
3       that are needed?

4               CHAIRMAN RIZZARDI: I'm sorry. Say that  
5       again.

6               MR. CHATWIN: If you have a species that is  
7       listed, right, and there is no recovery plan, how  
8       would we know what actions are needed to improve the  
9       status of that species?

10              CHAIRMAN RIZZARDI: I'm not sure I'm  
11       following.

12              MR. CHATWIN: The recovery plan identifies a  
13       series of actions that need to take place to improve  
14       the status of the species, right? If there is no  
15       recovery plan for a species, how do we know what needs  
16       to be done?

17              CHAIRMAN RIZZARDI: Okay. So I would note  
18       that there may be some species out there that we could  
19       immediately recognize that the threats are external,  
20       that they're not human. If we're dealing with climate  
21       change and sea temperatures and we're dealing with  
22       ocean acidification and we've concluded that no matter  
23       what we do as humanity that we can't fix it, maybe  
24       that's one where we say this is a low priority in  
25       terms of developing a recovery plan in the first place

1       because the chances of humanity being able to take  
2       action is slim to none.

3               I'm just saying we need to evaluate before  
4       we spend the resources on developing a recovery plan  
5       for a species, you know, if we can identify the nature  
6       of the threats, which we already have, by the way, in  
7       the listing process, we've already identified what  
8       those threats were, it may be it is not worth spending  
9       the resources on developing an intense recovery plan  
10      that we know we're not going to be able to implement.

11             MS. WIETING: So if I could just follow up,  
12      so that is part of our decision process and analysis  
13      process as we look at developing a recovery plan,  
14      although I mentioned foreign species as ones where I  
15      believe normally we decide that we're not going to  
16      develop a recovery plan. There are others that we  
17      might say that that's not the case as well. But it's  
18      part of that analysis on whether we think there will  
19      be value in a recovery plan in identifying those  
20      actions that can be taken to help in recovery. So  
21      those are the kinds of considerations that we would  
22      include in that analysis.

23             CHAIRMAN RIZZARDI: Okay. This was a really  
24      good discussion, Donna. I really appreciate the  
25      presentation. I think all the members --

1 MS. WIETING: Thank you.

2 CHAIRMAN RIZZARDI: -- learned quite a bit,  
3 and I'm looking forward to seeing what the Protected  
4 Resources Committee comes up with. Good luck, Julie.  
5 We are right on schedule, and I'm going to suggest we  
6 take a 10-minute break.

7 (Whereupon, a brief recess was taken.)

8 CHAIRMAN RIZZARDI: Okay. Mr. Dunn, are you  
9 ready?

10 MR. DUNN: I am ready.

11 CHAIRMAN RIZZARDI: All right. Thank you  
12 for being here to discuss Recreational Fisheries  
13 policy. I'm excited about how much work's gone into  
14 this and looking forward to seeing what MAFAC can do  
15 to help you.

16 MR. DUNN: Thanks. All right, thanks, Mr.  
17 Chair. So I believe I have met most or all of you in  
18 the past. For those who I have not, I'm Russ Dunn.  
19 I'm the Policy Advisor on Recreational Fisheries here  
20 at NOAA Fisheries, and I'm going to touch on today  
21 primarily the effort that we are in the midst of in  
22 developing a national saltwater recreational fisheries  
23 policy.

24 Before I jump into that, I just want to  
25 bring the committee's attention to an effort which

1 really came to fruition in August of this year. It is  
2 an effort on release mortality where we as an agency  
3 brought together state, federal, and university  
4 scientists to identify and prioritize and begin to  
5 strategize how to resolve data gaps in release  
6 mortality.

7           This was a project which the Rec Fish  
8 Initiative teamed up with the Office of Science &  
9 Technology on, and it's a pretty detailed report which  
10 came out in August. And then Richard Merrick, our  
11 Chief Scientist for the Fisheries Service, then  
12 committed the Agency to a course of action to guide  
13 our science on release mortality to improve our  
14 mortality estimates and integration of mortality  
15 estimates into assessments. Obviously the interest  
16 that my program brought to the table was primarily  
17 recreational. However, this after teaming up with S&T  
18 covers both commercial and recreational, so that's of  
19 interest to the entire body.

20           So over the next year the Office of Science  
21 and Technology will be leading an effort to develop  
22 this plan working internally and externally. So I  
23 just wanted to put that out there so you all are aware  
24 of some causative momentum there.

25           So to the recreational policy, let's see --

1 the big arrows? There we go, okay. All right. So  
2 first and foremost, this was posted online to the  
3 MAFAC materials. This is called the discussion guide.  
4 This is the document that we have brought on tour with  
5 us. It was sort of our first cut. We'll call it --  
6 it doesn't even quite meet the pre-draft criteria, but  
7 we'll call it a pre-draft. It is a set of concepts  
8 which we drew together for consideration, so we're at  
9 a very early stage here.

10 So I'm going to talk briefly about what are  
11 we doing and why, who have we been talking to, what  
12 our timeline and process are, give you a quick  
13 overview of the primary goals included in it and an  
14 idea of what we've been hearing and then ask for your  
15 input.

16 So as we started this effort -- and I want  
17 to apologize to those of you who have heard this many,  
18 many times. There are a number of folks here who have  
19 heard this many times. We immediately ran into  
20 concerns about what is this policy, what is the policy  
21 going to do, is this going to require us as councils  
22 or states or commissions to begin to adopt all sorts  
23 of regulations and a tight timeline or something, and  
24 so we thought it is best to defuse that right upfront.

25 So this policy, the intent of this policy is

1 to really influence how we execute our  
2 responsibilities under the law. It does not in and of  
3 itself have the force or effect of law. It does not  
4 create regulations. It merely informs how the Agency  
5 approaches recreational issues and actions in the long  
6 term.

7           So why do we need it? Well, it is an effort  
8 in part to institutionalize our commitment. One of  
9 the strongest comments that we heard coming out of the  
10 April Rec Fish Summit was the perception among the  
11 recreational community even after four years of  
12 significant effort that there is still a remaining  
13 strong institutional bias in favor of the commercial  
14 industry, in opposition to the recreational  
15 community -- opposition isn't quite the right word,  
16 but in favor of the commercial industry.

17           This we feel is one way to help  
18 institutionalize that commitment, as I said, to help  
19 guide our actions over the long term and provides sort  
20 of a basis of common understanding of how do we  
21 approach recreational issues, what are the broad  
22 concepts that we need to keep in mind as we approach  
23 recreational issues, and it allows the public at large  
24 to help keep our feet to the fire as we approach or  
25 take actions that affect the recreational community.

1           So we have not developed this discussion  
2     guide sort of in a vacuum. We have had a significant  
3     number of inputs on which to draw. As you can see  
4     here, there is quite a number ranging from the MAFAC  
5     Rec white paper to the discussions at the summit. The  
6     Morris-Deal Commission factored very heavily into I  
7     think both the decision to do this and in looking at  
8     the content of it. There were a lot of very strong  
9     recommendations in that.

10           There were the Regional Recreational  
11     Roundtables which we executed in '13 and then sort of  
12     the last two there, the town halls and the public  
13     comment are all sort of ongoing now. But we drew on  
14     all of those things, all the conversations and  
15     dialogue we've had over the last few years to begin to  
16     flesh out some broad initial concepts for discussion.

17           So where are we? What's the process, what's  
18     the timeline? We are coming to the close of the  
19     public input phase on this, we'll call it discussion  
20     guide/pre-draft. We have this meeting and two more  
21     in-person meetings left, and then we'll have completed  
22     our initial public comment sessions. We have a  
23     meeting with the North Pacific Council on the 8th of  
24     October and a public open town hall in Alaska  
25     associated with the meeting on the 7th.

1           We literally sat down yesterday and began to  
2   digest the comments that have come in, this is a  
3   portion of them, and to look at what has been reaction  
4   to this discussion guide, are there concepts that we  
5   have missed. So we are just beginning to digest those  
6   comments. We will then put together a draft hopefully  
7   in the next few weeks, and once that clears  
8   internally, we will push it out for public comment.

9           We don't have a strict timeline in mind, but  
10   we are hoping to have a document out in late October,  
11   early November and have a public comment period  
12   through the end of the calendar year so that we can  
13   then sit down and digest those comments quickly at the  
14   beginning of calendar year '15 and then release a  
15   final policy.

16           So where have we been? I believe this is  
17   the 26th time we've done this discussion. We've been  
18   to, as I said, all but the North Pacific Council.  
19   With each of those council meetings, we've held a  
20   public town hall that the councils have been gracious  
21   enough to provide a space. We have been to all three  
22   commission meetings. We did a state agency webinar.  
23   We've done a number of public town halls both in  
24   person and webinar.

25           The MAFAC Rec Working Group I believe we've

1 spoken with three times about this, and the last time  
2 was yesterday. We asked the MAFAC Rec Working Group  
3 for their input on the comments to date, and we had  
4 previously asked them for direct input on the  
5 discussion guide. We have spoken to sort of your  
6 sister council over at Department of Interior, the  
7 Sport Fishing & Boating Partnership Council. They are  
8 sort of the MAFAC of U.S. Fish & Wildlife.

9 And one of the last large meetings we did  
10 was with the National Marine Sanctuary Advisory  
11 Councils. We brought them into a single national  
12 webinar and they all had a chance to weigh in. So we  
13 have been all over the place, and that has all  
14 occurred since May.

15 Let's see. So one of the early questions  
16 that comes up is, as the Agency thinks about  
17 recreational actions, activities, really what should  
18 fall within the scope of that? What is recreational?  
19 What should we consider recreational? As you know,  
20 the Magnuson definition is very broad of recreational.  
21 It's fishing for sport or pleasure.

22 And so we for discussion purposes drew  
23 together sort of some of the obvious ones: private  
24 fishermen, regardless of whether they're fishing from  
25 shore or a private vessel, for hire, community, the

1 recreational fishing industries, meaning things like  
2 really the shore side support, the bait and tackle  
3 shops, the manufacturers, marinas, fishing  
4 tournaments, things like that.

5 We quickly in discussions with the CCC, the  
6 Council Coordinating Committee, were made aware of  
7 interest in including the noncommercial fishermen in  
8 the Central Western Pacific, and they also raised the  
9 concept of or the idea or asked us to take comment on  
10 the idea of expense fishing and subsistence fishing  
11 and to see whether those are appropriate for inclusion  
12 in the sort of realm of what is considered under this  
13 policy.

14 I'll stop there and just explain because I  
15 get a question on this every single time. Expense  
16 fishing is exactly what it sounds like. It is the  
17 idea of a fisherman selling some portion of his catch  
18 or her catch to offset the cost of undertaking that  
19 activity. It occurs I think legally and illegally in  
20 all parts around the country, and essentially the  
21 bottom three are issues or segments of the community  
22 which pertain more directly to the Central and Western  
23 Pacific. Clearly there are subsistence fishermen in  
24 different parts of the country all over and it's a  
25 bigger issue in different areas.

1           So those are some of the areas that we were  
2       asked for input on and discussion. So what have we  
3       heard? Well, one message that has come in loud and  
4       clear in most messages that seller fishing or expense  
5       fishing really conflicts with the true nature of  
6       recreational fishing. It crosses, as someone put in  
7       one of the early meetings, it crosses some bright line  
8       for them. That subsistence fishing, really the  
9       motivations of subsistence fishing is seen as  
10      substantially different than that of what I think the  
11      majority of the public thinks of as recreational  
12      fishing.

13           Initially there was fairly regular comment  
14      about including sort of nonconsumptive activities,  
15      such as "fish watching and ecotourism". Fish watching  
16      is a term which is included in the U.S. Fish &  
17      Wildlife, they have a recreational fisheries policy.  
18      That's one of the activities included. I think it  
19      pertains mostly to snorkeling and scuba diving.  
20      Interestingly, as we started to go through these  
21      comments, there has been a fair amount of resistance  
22      to that idea, saying fish watching is not recreational  
23      fishing.

24           And another issue which has been I think  
25      pretty strongly voiced as we have gone around the

1 country in terms of scope is that the recreational  
2 community in general wants to be viewed as a singular  
3 large community but with diverse needs and interests,  
4 and that is something which obviously is a fairly hot  
5 topic right now down in the Gulf of Mexico.

6 So what did we pull together? And I'll put  
7 this slide back up at the end so it's in front of you.  
8 So the possible goals that we drew together from all  
9 of those inputs in the past are foster and enhance  
10 sustainable, healthy, and diverse recreational  
11 noncommercial fisheries and public access to them,  
12 better integrating saltwater considerations throughout  
13 NOAA and the federal fisheries management system.  
14 That's sort of the overall goal of the policy.

15 The third one is the mom-and-apple-pie  
16 encourage partnership, engagement and innovation. And  
17 fourth is something which I think that all agencies  
18 and large institutions struggle with, and that is  
19 enhancing transparency, following through on  
20 commitments that are made and having a long-term  
21 consistent course of action so people are not  
22 surprised in agency operations.

23 These again are draft. We have started to  
24 talk about how could they be reshaped, how should they  
25 be reshaped, added to, changed, deleted, so we are

1 very early in those considerations.

2 So what have we heard about those goals?

3 Well, in short, the first thing that has come up  
4 almost everywhere is you forgot to include a science  
5 and data theme. That is an ongoing issue which we  
6 have heard about for a number of years and was an  
7 obvious one that I will admit that I left out as I  
8 developed this. So that is one we have begun to talk  
9 about how could that be shaped and incorporated.

10 Opportunity and access is sort of the number  
11 one theme as we go around. This is what is important  
12 to the recreational community, figuring out how this  
13 policy can influence the Agency to maintain and expand  
14 opportunity and access. Consistency and stability  
15 have also been very strong themes, that the yo-yo  
16 we've seen more in many of the East Coast fisheries  
17 and Gulf fisheries than the West Coast is extremely  
18 difficult for both say the for-hire component of  
19 recreational fisheries as well as anglers simply  
20 trying to comply with the regulations, which change  
21 regularly.

22 There is also concern over consistency  
23 between state and federal regs, between regulations  
24 state to state. And so there is a clamor I would say  
25 for consistency for purposes of simplification and

1 stability for planning purposes. The for-hire folks  
2 in the south certainly like to highlight how difficult  
3 it is when you've got someone who books a trip a year  
4 in advance and then suddenly they find out they have a  
5 nine-day season instead of a 40-day season and they  
6 have to cancel those trips.

7 Federal/state or state/federal partnership  
8 is one that has been emphasized very strongly as we've  
9 gone around, the need for that and better cooperation.  
10 So that is something we are taking very seriously.

11 Abundance drives recreational fisheries,  
12 that is more of I guess a reminder that has been  
13 driven into our heads as we've gone around, that we  
14 need to remember that there will be natural  
15 fluctuation in the effort out there every year. When  
16 you hear that the fishing is great, you go out  
17 fishing, and so that drives fluctuation in fishing  
18 effort, and we need to figure out how to better manage  
19 that so that there is some stability in the fisheries.

20 And finally, strongly from both coasts we  
21 have been reminded that fishing culture should not be  
22 something that is viewed solely with regard to the  
23 commercial industry. I think if you went to the  
24 average person on the street and said tell me about a  
25 fishing community or what is fishing community or

1 culture, most people would automatically think of  
2 places like Alaska or Gloucester, Mass, and that what  
3 we have been reminded during this tour is that there  
4 are many, many communities that are built around  
5 recreational fishing. They have a true culture in  
6 support of recreational fishing and so we should not  
7 overlook that.

8 So we'll throw up the main goals again in a  
9 second and open this up, but these are the sort of  
10 questions that we are asking based on this discussion  
11 guide, and the discussion guide has both those primary  
12 four goals but then a number of sort of concepts which  
13 have been suggested to us that we should try and  
14 incorporate under those goals or somehow within the  
15 document. They are all open for discussion. Nothing,  
16 as I said, is settled at this point.

17 So are the goals and the subbullets  
18 reasonable? Are there concepts that are missing? Are  
19 there any red flags that set your hair on fire? And  
20 are there real potential impacts in moving forward  
21 with the policy or the sort of draft concepts as you  
22 see which are of concern to you? And so, with that, I  
23 will leave these up so they're sort of right in front  
24 of folks, and we'll just open it up to any and all.

25 CHAIRMAN RIZZARDI: So, Russ, just a

1 clarification question, please.

2 MR. DUNN: Yes, sir.

3 CHAIRMAN RIZZARDI: We're going to break out  
4 into subcommittees. There's going to be some  
5 discussion of this policy. We'll come back on  
6 Thursday for recommendations. Are you looking for  
7 something for us with finality by Thursday, or is this  
8 sort of the beginning of the process and is there  
9 another window? Because sometimes we do things over  
10 teleconferences.

11 MR. DUNN: So, you know, as with any effort,  
12 the sooner the better, but that should not be your  
13 sole driver. So, as I mentioned, what we're going to  
14 do is we are going to put together a draft in the next  
15 few weeks based on all the input we have up to that  
16 point. We will then push that draft out for another  
17 public comment period. So, if the committee is able  
18 to get comments in in the next few weeks, great.

19 Obviously I'll take whatever I hear here  
20 from the subcommittees. If there's a more formal  
21 action that MAFAC wants to take and submit, I would  
22 imagine that probably would come in during the comment  
23 period on the draft that we'll put out in a few weeks.  
24 So we're in the midst of an ongoing opportunity. Then  
25 there will be another opportunity as well when you see

1 this as modified by comment in a real draft version.

2 I hope that was clear. I was kind of rambling.

3 CHAIRMAN RIZZARDI: So there is a link  
4 available on our website to the discussion guide. And  
5 for the committee members, I guess the takeaway  
6 message there is sooner rather than later.

7 MR. DUNN: The other thing just to note is  
8 on the NMFS website, if you just Google NMFS  
9 Recreational Fishing, it will take you to the page  
10 where you can get to all the public comments that have  
11 been submitted, all the summaries of all the meetings  
12 that we have done so you can see what else has been  
13 submitted. We're trying to do this in an extremely  
14 transparent manner, so it's all out there for public  
15 viewing.

16 CHAIRMAN RIZZARDI: Comments from the  
17 members? Pam?

18 MS. YOCHAM: This might be an unfair  
19 question since you mentioned you're just starting to  
20 go through the comments, but I'm just wondering with  
21 regard to the draft policy, do you have a sense for  
22 how much your revised version is going to change?

23 MR. DUNN: I don't yet. I mean, some of the  
24 concepts, we know at this point unless something  
25 bizarre happens we will include a data and science

1 theme. That will be different than this. But at this  
2 point, yesterday we began to dissect the goals as they  
3 stand to see how they should change based on the  
4 comments or not. So I think many of the large draft  
5 goal concepts will be there in some shape or form.

6 I think what will certainly look  
7 significantly different I think are those bullets,  
8 those subbullets which sort of flesh out those larger  
9 goals. I really don't have an idea of what may stay,  
10 what may go at this point.

11 MR. FISHER: I'm just curious, Russ. I know  
12 you've been asked this before. Maybe this is a better  
13 question for Paul or somebody, and that is whether or  
14 not the Agency has had discussions of whether there  
15 should be a commercial fisheries policy now that we  
16 have a recreational fisheries policy.

17 MR. DUNN: Do you want me to -- I mean, so,  
18 you know, I deal with one side of the house. I think  
19 certainly the Agency has traditionally had a very  
20 large focus on commercial activities. I think that is  
21 an artifact of the way that the system evolved from  
22 early on where data collection was easier. It was  
23 more focused on commercial communities so that there  
24 has not been a need to address that.

25 I don't know. I can't speak to whether I

1 think the community, the commercial community feels a  
2 need to follow this. But at this point certainly  
3 there is interest in the rec community of trying to  
4 balance, as I said, their perception of an imbalance  
5 of the Agency activity and bias.

6 MR. DOREMUS: To add to that, I think we  
7 basically look at Magnuson as our commercial policy.  
8 It's a very commercially oriented, you know,  
9 arrangement, if you will, and this whole approach has  
10 been a way to address this sector's feeling that and  
11 perception in part but I think, you know, very much  
12 reality that the recreational sector was never really  
13 mapped into Magnuson at a level commensurate with the  
14 breadth, scope, and bearing of recreational fishery  
15 activities on stocks that we're responsible for  
16 managing under Magnuson.

17 So that's kind of how we look at this is  
18 taking this policy as a way to balance out that  
19 historical imbalance, but our commercial policy is  
20 Magnuson.

21 MR. BRAME: With regard to the data part, it  
22 just occurred to me that often when people are  
23 discussing recreational data they're talking about  
24 MRIP and better recreational data collection methods.  
25 I think there needs to be a recognition that if you're

1 going to manage species for abundance or in relation  
2 to the abundance of the stocks, which is what  
3 Recreational Fishery respond to, you need better  
4 estimates or more contemporary estimates of  
5 recruitment into the fishery.

6 I know for like red snapper in the Gulf,  
7 what we really need is some estimate annually of  $H_2$   
8 abundance so you can see if it's recruited into the  
9 fishery, if the recreational fishery caught more fish,  
10 but there were a lot more fish out there, you haven't  
11 done any harm to the stock. So I just want to make  
12 sure that the data is not just recreational data  
13 collection, but we need some metrics about the stock.

14 MR. DUNN: Yeah, and I think one of the  
15 places we have seen comments in that same vein, there  
16 have been a number of comments about trying to  
17 emphasize collection and use of fishery independent  
18 data throughout the system, which I think goes that  
19 direction.

20 MR. CHATWIN: Thanks, Russ. I just, I have  
21 a clarifying question, and it's more a comment that  
22 you made in regard to all the different components of  
23 the recreational fishing community. And you made the  
24 comment that I found really interesting, but I wanted  
25 to know how you got to that. You asserted that -- I

1 made the link that all of these communities want to be  
2 considered as one community. That's their preference.  
3 And I just wondered how you got to that.

4 MR. DUNN: So the rec community has very  
5 strongly both throughout this and throughout the --  
6 within the Rec Summit indicated that as a whole, just  
7 a generalization, that the majority of them seem to  
8 want to be viewed as a singular large community but  
9 with individual sort of subdivisions, each of which  
10 needs its own accommodation. Now that's the trick  
11 obviously is to view something as a whole but then  
12 accommodate individual needs.

13 The subsistence fishing, I would apply that  
14 a little bit -- that concept. I would not necessarily  
15 extend that to the subsistence fishers or the concept  
16 of expense fishing. That segment of the community and  
17 that particular activity were not originally on our  
18 list, but then we were asked to include them for  
19 discussion.

20 I think in the Central Western Pacific,  
21 subsistence fishing, you know, they tend to use the  
22 term noncommercial fishermen out there as opposed to  
23 recreational. If you use the term recreational, you  
24 are quickly reminded we aren't recreational. We don't  
25 play with our food. And they prefer to be seen as

1 noncommercial, which includes what most of us would  
2 consider recreational activities, but it also in some  
3 cases has additional components, such as sort of a  
4 cultural aspect. In some cases the expense fishing  
5 falls into it, and a certain level of subsistence  
6 fishing can be in that as well.

7 Certainly there are segments around the  
8 country of we'll call it the more traditional  
9 perspective on recreational fishing who are interested  
10 in seeing separate sectors, for hire, not for hire.  
11 And as I said, that's currently a large issue in the  
12 Gulf. The loudest sentiment we have heard is, as I  
13 said, that we're one big community, and I think a lot  
14 of folks have said -- someone put it fairly well, an  
15 angler is an angler, a fisherman is a fisherman  
16 regardless of whether they're on the beach, on their  
17 own boat or on a for-hire boat, and that we need to  
18 focus on that angler separate from the for-hire  
19 business itself.

20 I don't know if that gives you what you're  
21 looking for. That's how I got there or how they got  
22 there I guess I would say.

23 MR. DYSKOW: Can I clarify that point a  
24 little, please? Obviously, having been involved in  
25 this from the beginning, the recreational fishing

1 community was really focused on those first three  
2 points. To Russ's credit, they went far beyond the  
3 mainstream recreational fishing community and engaged  
4 with many stakeholder groups. And as that process  
5 evolved, those last three items came to the forefront  
6 and there was a concern over where do they belong  
7 because they have to be somewhere.

8 And do they belong as part of the  
9 recreational fishing policy or not is still to be  
10 determined. But they're there and they need to be  
11 managed somewhere in the process. But the mainstream  
12 recreational fishing community, the umbrella  
13 organizations really were focused on the top three.  
14 And as I said, to Russ's credit, they didn't take what  
15 we gave them as key points in the recreational fishing  
16 policy. He developed a very broad-based process for  
17 getting information from various stakeholder groups  
18 and communities, and that's where those last three  
19 came from.

20 You know, you're wondering what they are and  
21 where do they belong. A lot of people are, including  
22 us. But they have to be somewhere.

23 MR. CHATWIN: So just to clarify, what I was  
24 hoping to hear was that some survey had been done or  
25 something like that that would say the majority of the

1 folks in these communities have said we want to be --  
2 that's what I was just hoping that I didn't know  
3 about, a survey or something that had been done.

4 MR. DUNN: No, I don't think -- let me ask  
5 Danielle if she recalls -- I don't think that angler  
6 survey, we went towards that question at all. This  
7 has been just a matter of input at all these various  
8 meetings.

9 MS. MORRIS: So, Russ, there's a number of  
10 sort of specific things that came up in your  
11 conversations, but then when you go to the really  
12 broad policy goals, it's hard to see how things fit in  
13 there. And I don't know how deeply you're going to  
14 drill down in the policy, you're going to keep  
15 everything kind of at the motherhood and apple pie,  
16 everybody could agree level, are you going to dive  
17 into is expense fishing something that should be legal  
18 or illegal. How are you going to handle that?

19 MR. DUNN: So we have yet to work out  
20 exactly to what level. It is not going to get down to  
21 detail level. It is going to be somewhere between  
22 15,000 and 30,000 feet I would say. The policy will  
23 be married to or come forward with the national action  
24 agenda. So the way we are looking at this is sort of  
25 a two-step process where we have the policy which sort

1 of discusses principles and philosophies and  
2 approaches to the Agency's perspective. Then there  
3 will be the -- I'll call it more of a to-do list, if  
4 you will, which comes out as a national action agenda  
5 just like the last one. There will be specific  
6 commitments which fit within the parameters of the  
7 policy. But the policy will be sort of -- it's just  
8 one component in forming development of a national  
9 action agenda. The other primary driver there would  
10 be the information that came out of the Rec Summit and  
11 then other discussions that we've had.

12 MS. MORRIS: So, you know, I have some  
13 comments more about the specifics which I'll offer  
14 now, but they may not actually get any traction at the  
15 30,000 foot level. So, as someone who was trying to  
16 manage recreational red snapper in the Gulf of Mexico  
17 a few years ago, I really think we need in that  
18 situation where we have so much interest in  
19 recreational effort on a recovering stock, we need  
20 other tools besides bag limits, open and closed  
21 seasons and size limits.

22 And so some conversation and I hope this  
23 will be on your action plan of other -- I mean, in  
24 that particular situation where you have a rebuilding  
25 stock and a whole lot of effort, what are some other

1 management tools? And I know we've talked about fish  
2 tags and things like that, but we need other  
3 management tools in that situation. I think everybody  
4 recognizes that.

5           You have this consistency, this idea about  
6 consistency, and I think consistency between state  
7 water regulations and federal regulations again is  
8 really, really important, and I would hope that you  
9 would address that. I think the sale of  
10 recreationally caught fish is really problematic, and  
11 just again from a manager's viewpoint, giving some  
12 kind of catch shares to the for-hire sector again in  
13 this situation that we have with red snapper is a  
14 really important management tool that can help bring  
15 that fishery within sustainable harvest levels.

16           And so I don't know if that flies in the  
17 face of singular identity of recreational fisheries no  
18 matter what their platform is, but I think from the  
19 management viewpoint it's really important to have  
20 that as a tool in the toolbox.

21           MR. DUNN: I think just to sort of -- a  
22 couple of your themes there, one of the things we  
23 began to talk about yesterday was the concept of  
24 management innovation where there's the concept of  
25 innovation in three, what does that mean. I think

1 people automatically tend to go to, oh, we're  
2 innovative gear technology. We want to make sure it's  
3 more broad than that, that it's also management,  
4 includes that concept of management innovation. So I  
5 think we're going down the same path.

6 MR. WALLACE: Yes, I guess I am a little  
7 confused in how this policy is going to be  
8 implemented. Is it going to try to give some guidance  
9 to councils who are the people who come up with the  
10 management plans and who set the distribution between  
11 commercial and recreational users? And so I am a  
12 little distressed that there's going to be a national  
13 policy and then I assume that that's just going to  
14 supersede the councils and be more of a mandate?  
15 Because, otherwise, why are you doing it?

16 MR. DUNN: So I think what I certainly tried  
17 to express at the outset is this should be viewed as a  
18 document which provides first and foremost guidance to  
19 the Agency and helps inform, for one example, how an  
20 agency representative at a council will interact with  
21 the council on recreational fishery issues. It is  
22 something which is meant to first and foremost be an  
23 internally informative document and help to change the  
24 way the Agency approaches recreational issues to  
25 codify our sort of philosophy -- codify is a bit too

1 strong of a word, but how we approach these issues.

2 It is not going to supersede any  
3 regulations. It's not going to force sanctuaries to  
4 open their doors if we talk about public access. You  
5 know, that was a concern that was raised in Northwest  
6 Hawaiian Islands Monument that, oh, is this going to  
7 supersede our regulations here. This is something  
8 that will first and foremost inform the Agency and its  
9 actions. Now do we hope that the councils will look  
10 at this and give serious consideration to the concepts  
11 and principles within it? Absolutely. Is it going to  
12 be some sort of mandate be provided to the councils?  
13 No.

14 MR. WALLACE: I'd like to follow up. If  
15 you -- with your statement that -- and I have an echo  
16 here. I'm sorry. With your statement saying that the  
17 representative from NOAA sitting on the council has  
18 some responsibility to the policy, you know, your  
19 agency is the group that approves the management plans  
20 from the councils and you can partially disapprove  
21 something that the council wants but the Agency says  
22 is a policy and they don't want. And so all of a  
23 sudden you are actually through your policy dictating  
24 to the councils what they can and cannot do, is that  
25 correct?

1           MR. DUNN: No. I would disagree with that.  
2       The approval or disapproval or partial disapproval can  
3       only be based on legal sufficiency. The policy, one  
4       of the first slides I put up says the policy does not  
5       have the force or effect of law, so it can certainly  
6       influence the thinking of the NMFS representative as  
7       they approach council action. However, it does not  
8       have the weight to bring it to that legal sufficiency  
9       level.

10           CHAIRMAN RIZZARDI: Dave, if I could  
11       interject, this is one of those tricky areas of  
12       administrative law. But in general, a policy like  
13       this is a statement of Agency intention, but it  
14       doesn't alter what the Agency can or can't do. And  
15       your question was, well, aren't they going to  
16       implement their discretion based on a policy, and what  
17       NOAA can say is we have that discretion already. It's  
18       already framed for us by our existing legal framework.  
19       We're simply implementing the existing legal  
20       framework.

21           What they're doing through a policy is  
22       giving you a hint as to how they think and how they're  
23       likely to implement what they're already allowed to  
24       do. And what I think might help you a little bit is  
25       if you dive in a layer deeper to what the goals of

1       this policy are and you look at the actual document  
2       and you see the bullets, you sort of see what NOAA  
3       intends. You know, they intend for the better  
4       understanding and management of anglers' satisfaction.  
5       They intend for expanding fishing opportunities based  
6       on conservation events. I mean, you look at these  
7       bullets and you can see what kinds of things they're  
8       expecting the councils to do, they're expecting others  
9       to do. But the fact is they always have that  
10      discretion anyway. This is just clarifying how they  
11      exercise it.

12               MR. WALLACE: Well, actually I understood  
13      that. And the policy of the Agency -- the Agency has  
14      an enormous amount of authority and policy now, which  
15      is what you just actually said, and I always  
16      recognized that and that's precisely the reason for my  
17      comment, because I'll talk about the two councils that  
18      I deal with literally on a daily basis. One of them  
19      has a plan development team in New England and then in  
20      the Mid-Atlantic they have FMPTs or fisheries  
21      management plan teams that develop these.

22               Typically they're made up of the council  
23      staff of two people, the person who does whatever  
24      species it is and most of the time either a scientist  
25      or an economist, a social scientist. And then the

1 rest of the members of that team are federal  
2 employees, and they come from the science center and  
3 they come from the regional office, and they have  
4 enormous impact on how these fisheries management  
5 plans are structured. It simply says that they comply  
6 with all the law, and then they comply with, you know,  
7 whatever the policy is that is within the law.

8 And so what concerns me is that if we have a  
9 very, very strong policy that advocates certain  
10 things, then it's going to be almost a mandate for the  
11 councils to do that. And in that case then, the  
12 commercial side also needs to have a group of policies  
13 beyond just the Fisheries Conservation and Management  
14 Act. And then the environmental community can jump  
15 right in and say we need it too. You know, so we need  
16 to have a level playing field. Thank you.

17 CHAIRMAN RIZZARDI: I think your points make  
18 it clear why MAFAC needs to pay attention to the  
19 language and has a chance tomorrow to make a  
20 recommendation on this. Phil?

21 MR. DYSKOW: Thanks.

22 MR. WALLACE: I didn't mean to steal your  
23 mike.

24 MR. DYSKOW: No, you didn't steal my mike,  
25 and I appreciate your comments. If I can give you a

1 little background on the rec fishing policy. This was  
2 a commitment that Eileen Sobeck made at the Rec  
3 Fishing Summit. So it was basically NMFS that  
4 recognized that this had to happen with the complete  
5 agreement of the rec fishing community.

6 And why do we need a rec fishing policy?  
7 And I'm not trying to preach, so forgive me. But if  
8 you look at the history of MSA, in 1976, it was  
9 basically developed to curtail foreign fishing in U.S.  
10 waters. Over time it evolved into something  
11 completely different, but it always focused on  
12 commercial fishing. During the last reiteration in  
13 2005 and 2006, it really focused on overfishing.  
14 Despite our pleas, the developers of MSA in the Senate  
15 and the House decided not to incorporate recreational  
16 fishing at that time and there was some thought of  
17 doing it later. But again, the major author of this  
18 died. It never happened.

19 So we found recreational fishing in an  
20 environment where we were part of this process to  
21 curtail overfishing, but there was no language or  
22 policy that made sense for recreational fishing.  
23 There was this very sophisticated and developed  
24 management tool that focused primarily on commercial  
25 fishing, but there was no specific governance that

1 addressed the unique aspects of recreational fishing.

2 This policy is part of a three-legged stool.  
3 The other two legs of the stool are recreational  
4 fishing language within the next draft of MSA that  
5 starts to address rec fishing and the management  
6 thereof, and then I think the other part of the stool  
7 is the -- I won't call it a cultural change. The  
8 cultural recognition within NMFS that recreational  
9 fishing is a very large business.

10 In the last economic report, it wasn't  
11 misleading, but the devil is always in the details.  
12 It was listed that commercial fishing had an economic  
13 value of around \$122 million and recreational fishing,  
14 around \$58 million. But the \$122 million number  
15 included imported seafood. If you take that out, that  
16 number is now around \$56 million. It also includes --  
17 billion, I'm sorry. I'm not used to those big  
18 numbers. Then when you take out shellfish and just  
19 compare fin fish to fin fish, suddenly this \$58  
20 billion recreational fishing business, fin fish,  
21 compares to about a \$28 billion number for fin fish  
22 that are part of the commercial activity within U.S.  
23 boundary.

24 So it's a big deal. It's a big business  
25 that we have not been managing as part of a big

1 business. Do we want to win something from commercial  
2 fishing? That's not the goal. The goal is to  
3 recognize what recreational fishing is and how can we  
4 better embrace it as part of NMFS and how can we  
5 manage it with tools that relate specifically to  
6 recreational fishing because we don't have those tools  
7 today.

8 MS. EDER: Thank you, Mr. Chairman. As a  
9 preface to my comment, I don't know a lot about  
10 recreational fishing. It's not part of my culture, so  
11 to speak. On the other hand, I live in a community  
12 that is dependent on recreational fishery as well,  
13 both charter and individual as anglers, and it's very  
14 important in our region.

15 A couple of comments. One thing I don't see  
16 addressed in this, and I realize this is a very  
17 general policy, but when I'm at the Pacific Council  
18 and I hear issues relating to recreational management,  
19 the consistent message I always hear is from the State  
20 of California, for example, and the comment is we  
21 don't have the money to do that, and it's almost  
22 always in reference to accountability for recreational  
23 fishing landings.

24 And so I see that as a huge issue within  
25 recreational fishery that I don't see specifically

1       addressed, and that is accountability relative to  
2       landings because I don't think you can have a policy  
3       until you actually know what the practices are and  
4       some of the take is. So incorporating improved  
5       accountability.

6               Then the question is how do you fund that  
7       when states have minimal resources or challenged in  
8       terms of how to allocate the resources. And so  
9       another aspect of this policy I think would be a  
10      consideration of cost recovery. We see that cost  
11      recovery as a driving message from NMFS. And so what  
12      responsibility or how do you incorporate cost recovery  
13      to address these issues and cost recovery by the  
14      recreational fishery. In other words, how are they  
15      going to pay, as commercial fisheries are now asked to  
16      do? So how are recreational fisheries going to pay  
17      for what they're asking for here? So thank you.

18             MR. CHATWIN: And just a reminder to build  
19      on that that we are going to be discussing these  
20      issues later today. We have cost recovery on the  
21      agenda.

22             MR. DUNN: I believe there's one slide left.  
23      Then we'll finish out. So you can see, as we have  
24      just talked about, this is really sort of a set of  
25      high level principles to sort of guide Agency

1 thinking. It can help ensure accountability. In this  
2 case, it means Agency accountability. That  
3 accountability issue, just to digress for one second,  
4 it's extremely interesting and challenging in that,  
5 you know, the preponderance of anglers adhere to the  
6 regulations as the preponderance of commercial folks  
7 adhere to the regulations.

8 And so, on an individual level, the angler  
9 says I am accountable. I can be checked at the dock,  
10 yada yada. I think where the accountability issue is  
11 arising is sort of the almost management  
12 accountability, if you will, where the system itself  
13 is unable to keep up as opposed to individual angler  
14 accountability. At least that's my impression as I've  
15 gone around that I have gathered.

16 And last but not least, the draft policy  
17 will be out as quickly as we can. Like I said, we  
18 have one last set of meetings the first week of  
19 October. We will integrate those comments into --  
20 we're going to go as far as we can without those  
21 inputs and your inputs, and then once we receive those  
22 inputs, we will plug it into what we have and push a  
23 draft out, an actual draft out for comment.

24 CHAIRMAN RIZZARDI: Thanks, Russ, for the  
25 presentation and members for the very healthy

1 discussion again. We're going to take a 10-minute  
2 break, and then we're going to come back and I see  
3 Susan's here to discuss the aquaculture program with  
4 us. Oh, Mike's going to do it? He's outside. Okay,  
5 Michael's here. Okay. Ten-minute break.

6 (Whereupon, a brief recess was taken.)

7 CHAIRMAN RIZZARDI: We've got Michael Rubino  
8 here with us who's going to give us a presentation on  
9 the aquaculture program at NOAA. For this  
10 presentation, we're going to get some historic  
11 context, and I want to give the members the sense of  
12 where we're going. We'll get this presentation on  
13 aquaculture, and then we have an opportunity through  
14 subcommittee to go through the proposed rule that came  
15 out on August 28, 2014 regarding aquaculture and a 10-  
16 year permitting program. I see this in part as the  
17 culmination of years of effort on MAFAC's part to  
18 elevate the profile of aquaculture. I think, you  
19 know, this is an example of how an effective federal  
20 advisory committee can help, you know, lead the  
21 federal government to shape federal policy.

22 And I want to point out for the members that  
23 we have a hard deadline facing us that if we want to  
24 comment on the regulations, the comments are due on  
25 October 27. So after this presentation and after our

1 committee discussion we will need to determine whether  
2 or not we're going to have a subsequent meeting. If  
3 we're going to be making those comments working  
4 backwards, we probably need to be doing a *Federal*  
5 *Register* notice and announcing a MAFAC meeting  
6 teleconference sometime in late October. So I just  
7 make everybody aware of that.

8 But again we have the opportunity to comment  
9 on this, and I'm sure we'll be working with Michael on  
10 a lot of aquaculture issues over the next year or so.  
11 So, Michael, really glad to have you here today.

12 MR. RUBINO: Thanks very much, Keith, for  
13 the introduction, and it's great to be here. Some of  
14 you may realize this, but MAFAC was really  
15 instrumental in launching or relaunching the  
16 aquaculture program at NOAA and NOAA Fisheries. When  
17 I came in, I'm on my 10th anniversary at NOAA this  
18 month. I rely very heavily on NOAA, on MAFAC as a  
19 sounding board in terms of the ideas about, you know,  
20 where should this Agency go in aquaculture, what  
21 should we be doing.

22 And out of that came a 10-year plan in 2007,  
23 and we brought copies. We found some copies in a  
24 drawer. I reread it this morning actually over  
25 coffee, and I thought I would just go through briefly

1        what sort of the key objectives in that 10-year plan  
2        were and how we've done over the past 10 years in  
3        terms of meeting those. And also at the same time,  
4        MAFAC had some specific recommendations for the  
5        Secretary of Commerce and, you know, did we fulfill  
6        those or not.

7                A lot of this presentation, which I assume  
8        all of you have, you can use as background. I'm not  
9        going to go into the details of the Gulf plan today.  
10       I'm going to skip through to sort of the end of the  
11       presentation and give you an overview of where we are  
12       today as a program office and a program within NOAA to  
13       sort of set the stage a little bit for, okay, where do  
14       we go from here.

15               And for us, it would be very valuable if we  
16       could get your engagement over the next year.  
17       Internally we have to do a strategy for the program  
18       office anyway over this next year, so it would be  
19       great to have MAFAC's input and to use MAFAC again as  
20       a sounding board for, you know, where should we be  
21       going now as a program.

22               So before I start I want to introduce a  
23       couple of people who work with me. Susan Bunsick,  
24       who's our lead policy analyst who's been with us since  
25       the beginning of the program and actually predates me

1 and was one of the key authors behind many of the  
2 provisions for how do we go to aquaculture in federal  
3 waters.

4 Bruce Morehead, who is retired from NOAA and  
5 works as a consultant, but he has a historical  
6 perspective beyond probably anybody in this room in  
7 terms of aquaculture's ups and downs at NOAA. Bruce  
8 had been the assistant director of the Office of  
9 Sustainable Fisheries for many years.

10 Gene Kim from Sea Grant manages the  
11 Competitive Grants Program at the National Sea Grant  
12 Program. So Gene and I sort of work together in terms  
13 of how we coordinate grant programs working with the  
14 Sea Grant extension network and the Fisheries Service.

15 And Kate Naughten actually was with the  
16 Aquaculture Program Office for a number of years too.  
17 That's right.

18 So what did the 10-year plan say? It had  
19 four sort of key objectives. One was to set up a  
20 comprehensive regulatory program for marine  
21 aquaculture, and that was both for federal waters for  
22 which there was no sort of regulatory program and also  
23 to improve sort of how the federal family's doing on  
24 efficiency in reviewing permits in state waters. So  
25 that was the first objective.

1           The second objective was to develop marine  
2   aquaculture both in terms of commercial production for  
3   seafood but also the use of aquaculture as a tool.  
4   Hatchery is there for use for oyster restoration or  
5   for restoring abalone or other kinds of species that  
6   are on threatened and endangered lists. Use of  
7   aquaculture as a tool for fisheries research. That  
8   was the second objective.

9           The third objective was to increase public  
10   understanding and acceptance of aquaculture in our  
11   society, and the fourth was to improve or to increase  
12   international collaboration and cooperation.

13           In addition, MAFAC had a couple of  
14   recommendations. As I said, one was to create an  
15   office of aquaculture within the Fisheries Service, a  
16   budget line in the federal budget for aquaculture at  
17   the Fisheries Service, and then to provide  
18   substantially increased resources for aquaculture  
19   within the Agency.

20           So we did create an office. There was a  
21   budget line created in the federal budget. I can't  
22   say that resources have been increased dramatically  
23   since then. But certainly since then, you know, we  
24   have put aquaculture back on the map at NOAA, partly  
25   with the help of many of you in this room and lots of

1 other partners around the country.

2 In terms of where is aquaculture in the  
3 country, marine aquaculture has been growing at 15  
4 percent a year for the past five years. If you look  
5 at production overall in the U.S., aquaculture's been  
6 relatively stable. But catfish is down by a third or  
7 a half. Marine aquaculture is up. It's oysters,  
8 clams, mussels. It's the recovery or revival of  
9 salmon farming in Maine, improvements in salmon  
10 farming in Washington State that's allowed for  
11 increased production.

12 Regionally, it's very important in the  
13 northeast, the northwest. In particular, in the  
14 northeast region say from Maine through Virginia, you  
15 know, in terms of added value, the biggest is  
16 scallops, 500 million. The second is lobsters at 350  
17 million. Marine aquaculture is third at 160 million.  
18 You know what fourth is? All groundfish combined at  
19 80 million, half of marine aquaculture.

20 In the Pacific Northwest, you know, the  
21 oyster industry is a big employer. In the Gulf, it's  
22 important, although it's been hurt by the divergence  
23 in the Mississippi River after the oil spill. But  
24 there's new efforts in the Gulf in terms of off bottom  
25 culture of oysters I think that will help there as

1 well. And we're talking about perhaps moving to  
2 federal waters, which will give another option. And  
3 we as an Agency and lots of others have been doing  
4 research on how can you grow marine species on land,  
5 in tanks and in ponds actually. So those are sort of  
6 future horizons in terms of production.

7 We've done some work on use of aquaculture  
8 as a tool for restoration and stock enhancement in the  
9 Agency. In Alaska, we're working with Sea Grant and  
10 the university and private sector groups on looking at  
11 enhancement of king crab, blue king crab and red king  
12 crab. There's a fair amount of work around the  
13 country on oyster restoration.

14 The Agency just set up a new hatchery  
15 research facility at the Manchester Lab across the  
16 Sound from Seattle with the Puget Sound Restoration  
17 Fund. It's like it's a public/private partnership.  
18 So the Agency built the facility. Puget Sound  
19 Restoration Fund is going to operate it with state and  
20 tribal and nonprofit partners to get more of the  
21 Olympia oysters back into the Pacific Northwest.

22 I can't say we've done a lot in other areas  
23 of stock enhancement. I mean, obviously the Agency  
24 continues to do a lot of work with salmon hatcheries  
25 in terms of endangered species. But that's something

1 we decided that the aquaculture program wouldn't be  
2 involved in just because it's already so huge on the  
3 West Coast.

4 Public understanding, anecdotally I think  
5 there's a new awareness. You can see it in press  
6 reports, you can see it amongst the environmental  
7 groups of realizing that aquaculture is not part of  
8 the problem. It's really part of the solution. Yeah,  
9 you know, it's the most resource-efficient way to  
10 produce protein, especially when you compare it to  
11 beef or pork.

12 Yeah, there are environmental issues with  
13 aquaculture as there are with any human activity. But  
14 we now have 20 or 30 years of experience about what to  
15 do and what not to do. So, in places like the United  
16 States, aquaculture is being done responsibly. So all  
17 of those old issues that still get brought up pretty  
18 much have been handled and addressed in the United  
19 States through smart technology, through informed  
20 regulation, through consumer pressure for better  
21 performance, and I think that recognition is now  
22 getting out to the general public, along with all of  
23 those nutritional things we hear about, you know,  
24 eating more seafood.

25 It's also about jobs. So there's a

1 generational change happening in some parts of the  
2 country, as many of you know better than I do. You  
3 know, a lot of the oysters, clams, and mussels on the  
4 East Coast are being grown by fishermen or watermen or  
5 sons and daughters of, and it fits with sort of  
6 coastal communities and the fabric of life in those  
7 communities.

8           On the West Coast are large seafood  
9 companies, Dryden, Pacific, Icicle, all own and  
10 operate U.S. aquaculture facilities and are marketing  
11 both. They're marketing a lot of imported seafood too  
12 because the market -- we're still not producing enough  
13 either through wild or farmed in the U.S. to meet the  
14 markets. So I think in terms of public understanding,  
15 we've seen a real change in recent years.

16           International collaboration, you know, given  
17 that we're a small program office, we've been able to  
18 maintain some traditional bilateral scientific  
19 exchanges with Japan and Canada, Korea, France. But I  
20 can't say that we've done sort of major initiatives  
21 with other countries. We're just limited in terms of  
22 our abilities, and we wanted to focus I think on the  
23 domestic front as a program office initially.

24           But as you know, we live in a global  
25 marketplace. We're a huge consumer country.

1     Aquaculture is huge in other countries. We're  
2     importing it. A lot of that is U.S. technology, feed,  
3     equipment, food service companies. You know, what  
4     role do we as an Agency play in all of that. So I  
5     think this is a big question for the future and for  
6     the Agency as they think about our management role in  
7     terms of the global oceans going forward.

8             So let me just jump here quickly and go to  
9     what are we doing today. So this is what our  
10    objectives look like today. So similar to those four  
11    of 10 years ago of 2007 and the 10-year plan, pretty  
12    much still the same. And, you know, we went through  
13    putting together in 2011 an aquaculture policy for the  
14    Agency. We had listening sessions around the country,  
15    and this was really the product of that, and out of  
16    that came some key priorities for the program to work  
17    on: solving these fishery management questions for  
18    federal waters to allow for fish farming in federal  
19    waters, a national shellfish initiative because that's  
20    currently the largest part of commercial marine  
21    aquaculture.

22            You know, the shellfish community turned out  
23    in force during those public hearings saying, you  
24    know, we're the largest part of marine aquaculture  
25    today. Pay attention to us. You know, you want

1 production and jobs tomorrow quickly, shellfish is it.  
2 So we're working on both, you know, regulatory  
3 efficiency in shellfish, working with the Corps of  
4 Engineers and Fish & Wildlife Service to do a better  
5 job at least in terms of federal agencies to review  
6 permits while still maintaining all of those safeguard  
7 missions.

8 And the other purpose of the shellfish  
9 initiative is to sort of bring the restoration  
10 community and the commercial shellfish community  
11 together politically to get more oysters, clams, and  
12 mussels into the water both for commercial and  
13 restoration purposes.

14 We have been working on a lot of what my  
15 science colleague, Mike Russ, likes to call Tools for  
16 Rules. So, if we're given regulatory responsibility  
17 for federal waters, we think we're ready now. Okay,  
18 what about escapes and genetics? What about siting  
19 and the best places to put these things? What about  
20 aquatic animal health management? What about use of  
21 alternative feeds?

22 You know, we now have siting water common  
23 benthic impact models that we've worked on with  
24 universities and consultants around the country. We  
25 have a genetics model so we can play what-if games on

1 the genetics questions. We have a national aquatic  
2 animal health plan that's setting up reference labs  
3 around the country or standards for labs. We've been  
4 working with USDA on alternative feeds.

5 So I think from a science perspective we  
6 feel much better prepared now to take on regulatory  
7 responsibilities than we were when I came into the  
8 Agency. And we're doing a whole variety of technology  
9 transfer, largely through Sea Grant in terms of the  
10 extension program but also through a number of our  
11 competitive grants programs, SK, Sea Grant, SBIR. I  
12 can give you examples.

13 So the Gulf Plan which I'll be happy to talk  
14 about more this afternoon. We're currently working  
15 with EPA and the Corps of Engineers both at the  
16 headquarters level and the regional level to  
17 essentially set up a coordinated permit process. So  
18 you'll still have to get your Corps permit for your  
19 site and EPA permit for discharge, and now you'll need  
20 a permit from the Fisheries Service for the fishery  
21 management questions.

22 But the idea is to have one set of permit  
23 application documents, one set of monitoring and  
24 reporting requirements. And you won't see that in the  
25 *Federal Register* notice in terms of this draft rule.

1     What you'll see is, okay, for your fisheries permit  
2     what do you need to do, you know, having your  
3     application, what are the requirements, what are the  
4     limitations and so on. It's really not much different  
5     than what would be required if you wanted to have a  
6     fish farm in Maine or in Washington State or in  
7     Hawaii, the three states where we have the most  
8     experience, or if you wanted to set up a fish farm in  
9     Canada or New Zealand or Australia or Scotland or  
10    Norway.

11           You know, the rules for fish farming have  
12    become pretty standardized. We're just trying to  
13    learn from all of these others and adapt them for  
14    federal waters. So, as you know, it's out for public  
15    comment. Public comment period closes the 27th of  
16    October. It would be great if we could get some  
17    comments from MAFAC. I know it's a short time window.  
18    But we're happy to work with you over the next several  
19    weeks to do that.

20           We anticipate getting lots of comments from  
21    industry and NGOs and others just listening to people  
22    around the country over the past couple weeks. So  
23    this will be a model for other parts of the country if  
24    other councils want to do this. And the Western  
25    Pacific Council is in the beginning stages of looking

1 at something similar for the Western Pacific. And I  
2 think they plan to begin their NEPA, National  
3 Environmental Policy Act, process doing an  
4 environmental impact statement for the Western Pacific  
5 Region this year with our input. Out there it's  
6 important because federal waters -- not for Hawaii,  
7 but for the other islands, federal waters start at the  
8 shoreline or the low tide line.

9 So I talked a little bit about the National  
10 Shellfish Initiative. There are some state-specific  
11 initiatives, particularly in Washington. Working with  
12 federal and state agencies, the first shellfish  
13 permits in Washington in almost 10 years have been  
14 issued by the Corps over the past three or four years.  
15 There's new money through the state legislature.

16 I mentioned the hatchery, all kinds of work  
17 on ocean acidification, and there are initiatives  
18 underway or beginning in a number of other states. I  
19 talked about Tools for Rules, some of the technology  
20 transfer things we're doing.

21 And Gene Kim would be happy to answer  
22 questions about Sea Grant's role, but Sea Grant  
23 extension agents, for example, in Maine and  
24 Connecticut are working with shellfish farmers and  
25 fishermen on things like seaweed farming. There must

1 be seven or eight new seaweed farming projects  
2 starting in Maine and a similar number in Connecticut.  
3 I was just down in the Chesapeake Bay region talking  
4 to watermen and shellfish farmers, and they're all  
5 interested in seaweed farming as well. So again a new  
6 potential industry.

7 Like everyone, we're trying to have a web  
8 presence, provide science information on the web  
9 working with Kate and Laurel and their shop on Fish  
10 Watch. We still have a ways to go in terms of that,  
11 but this is something we're spending a fair amount of  
12 time on.

13 I talked a little bit about changing  
14 stakeholder perceptions about aquaculture. One of my  
15 colleagues is meeting with the Monterey Bay Aquarium  
16 staff next week to talk to them about their seafood  
17 watch card, and they would like to use NOAA science  
18 and NOAA scientists a bit more on the way they put  
19 that card together. So I think there are new  
20 dialogues going on with the environmental community  
21 around the country about aquaculture as well that  
22 we've been a part of.

23 Another major development in addition to the  
24 shellfish industry is now coming to town several times  
25 a year to lobby members of Congress. They've been

1 very good through their, you know, free oysters and  
2 Sauvignon Blanc. They get 10, 15, 20 members of  
3 Congress to come to receptions on the Hill. So they I  
4 think are realizing they have some political power.

5 The interesting thing that's happened over  
6 the past year, though, is that sort of a big tent for  
7 U.S. aquaculture has been created by the Coalition for  
8 U.S. Seafood Production. So it's a combination of the  
9 soybean industry, they want to sell more soybeans.  
10 It's become the biggest component of feed.

11 But it's also some of the key members of the  
12 National Fisheries Institute, so those big West Coast  
13 seafood companies, Darden Restaurants, Pentair, the  
14 big equipment company, New England Aquarium, some of  
15 the research institutes, all of the major aquaculture  
16 associations, the catfish guys, and the importers have  
17 all sat down several times during the past year and  
18 said China's eating our lunch. You know, all that  
19 seafood we're importing from Asia may not be available  
20 in the future or will only be available at a higher  
21 price, so what are we doing about domestic production.

22 So they have agreed to sort of bury some of  
23 their differences. I mean, having catfish and Darden  
24 in the same room was pretty amazing I thought. And  
25 they're trying to figure out what they want to do as a

1 group, but they plan to push for increased domestic  
2 production, in other words, for us to take more  
3 responsibility for our own consumption and do it here  
4 in the U.S. and to solve some of these issues we've  
5 been talking about.

6 We've gotten some high level Administration  
7 support, but, again, you know, where do we go from  
8 here? Do we continue to do some of the same things  
9 we've been doing for the past three or four years with  
10 the budget resources we can work with, or is there  
11 something else we should do with existing budget  
12 resources? Should there be a push for a much larger  
13 program, or should we go away and be merged with some  
14 other agency?

15 I mean, you know, I think everything's sort  
16 of on the table going forward, and it will be great to  
17 get your input on that. So let me stop there. It was  
18 sort of a quick whirlwind tour of what we've done,  
19 where we are and where we'd like to go on aquaculture.

20 CHAIRMAN RIZZARDI: Thank you, Michael. I  
21 know we've got John Corbin on the phone, and given  
22 that it's tough for him to hear and sometimes comment,  
23 I want to give John the first opportunity. John, are  
24 you there?

25 MR. CORBIN: Yes, yes, Keith. I guess the

1       only thing I would say is congratulations to Michael  
2       and his staff for the progress. I know it's very  
3       hard, one. I kind of have a feel for the job that he  
4       has. He's done a terrific job. So really  
5       congratulations.

6               MR. RUBINO: Thanks, John.

7               CHAIRMAN RIZZARDI: Ted, did you want to  
8       pitch in?

9               MR. AMES: No. Just a very good  
10       presentation and very interesting as well.

11              CHAIRMAN RIZZARDI: Thank you, gentlemen,  
12       for being on the phone. How about members here?  
13       Dave?

14              MR. WALLACE: Since 50 percent of the  
15       seafood protein produced in the world comes from  
16       aquaculture and we do 2 or 3 percent of it, we're a  
17       third world country and we need to face it and we need  
18       to get on with it, and we can only catch so many wild  
19       fish because their production is limited by the  
20       productivity of the ocean. However, it is an  
21       unlimited or at least vastly larger potential food  
22       supply using aquaculture, and I am just astounded at  
23       all the naysayers from the commercial fishermen, the  
24       recreational fishermen, the environmental community.  
25       You know, we need to get a life.

1           We just need to say, okay, we have to  
2     control the environmental issues, but they're not  
3     insurmountable. You know, there was a video released  
4     this week which was, you know, produced by somebody  
5     who actually doesn't know anything about what they're  
6     talking about, but it was sensationalism at its best,  
7     and we need to get just past this. And so I think  
8     that we need to -- we have Burberry and what's his  
9     face on -- huh? No, from Hawaii. Randy Cates, Randy  
10    Cates for years harped on this at every meeting, you  
11    know, and he's one of the few guys that actually is  
12    doing it in Hawaii now.

13           And so we just need to move forward. Bob's  
14    agency needs to be funded. We need to deal with  
15    offshore aquaculture and fin fish aquaculture.  
16    Shellfish aquaculture is all within state waters or 99  
17    percent of it. I don't actually know of any currently  
18    in federal waters, and I did a big report in Maine on  
19    theirs and they have all those huge flats, but they're  
20    all controlled by the town. And so they're not very  
21    productive because they just let it go by a natural  
22    seeding. And I said you can increase your production  
23    5- or 600 percent by just managing your operations in  
24    Maine. And so my frustration level's very high. But  
25    the federal government needs to get off of this notion

1       that we just won't issue any permits.

2               I remember one of my clients a long time ago  
3       applied for a permit off of Massachusetts to put in a  
4       salmon pen, and they finally got the Navy to say if  
5       you put it out there, we might run into it with a  
6       submarine, so you can't do it. And, you know, there  
7       was just -- it was such a farce it was not even funny.  
8       So I strongly advocate that since I won't be here, but  
9       you as a committee write a very strong letter in  
10      support of Bob's operation, especially offshore  
11      aquaculture.

12             CHAIRMAN RIZZARDI:   George.

13             MR. NARDI:   Thanks, Dave.  I don't have to  
14      say very much after that.  But I would, you know, in  
15      terms of the question where do we go from here, what  
16      do we ask for, you know, we've asked for more money.  
17      It has been a little frustrating that I think MAFAC  
18      has asked or parts of MAFAC have asked and there's  
19      been a request in for, you know, somehow getting the  
20      aquaculture line item budget up past the 1 percent  
21      mark, and it's usually always been rebuffed, you know.  
22      It's been pretty flat, pretty static.

23             But I think the immediate thing is for us  
24      too if MAFAC could -- like Dave, I'm cycling off.  But  
25      it would be wonderful for MAFAC to move forward with a

1 recommendation with this new rule. It's been a huge  
2 advance to get us past thinking we needed a bill to do  
3 anything in the offshore waters, and now we can do  
4 that through rulemaking. So I think the rule is at  
5 the current status far from perfect, but it's a start.  
6 And I think this afternoon we can make some  
7 recommendations and bring that to the committee on  
8 Thursday for input.

9           You know, frankly, maybe I was much too  
10 optimistic. I thought we could even get that done so  
11 that there would be recommendations going forward for  
12 comment. But we do have a little bit of time. So  
13 take the opportunity to sleep on it and address it  
14 through a conference call, that would be fine. But I  
15 do encourage the committee to submit their comments  
16 and let their feelings be known. Those of us in the  
17 industry are probably going to also submit and I  
18 encourage that, you know, individually their comments  
19 on the rule. Thank you, Keith.

20           CHAIRMAN RIZZARDI: Tony.

21           MR. CHATWIN: Thank you, Mr. Chairman, and  
22 thanks, Mike, for your presentation and  
23 congratulations on all the progress. In thinking of  
24 going forward and one of the challenges that  
25 aquaculture has is one of competing for sites, right,

1       siting issues. And I just, I think that's an area  
2       where your office might want to or maybe doing already  
3       a lot of I guess discussing with other agencies that  
4       have jurisdiction over siting decisions in federal  
5       waters. It's interesting to me in the Gulf of Mexico  
6       there's an EEZ that has a lot going on, and the  
7       federal waters there have all the offshore oil and gas  
8       rigs. Have you guys been in discussions with BOEM and  
9       OCS to coordinate actions, siting actions there?

10               MR. RUBINO: So the short answer is yes.  
11       Susan in particular has been in a number of meetings  
12       as part of, well, actually going back years. You  
13       know, some of the early legislative efforts as well in  
14       terms of talking with them and more recently in the  
15       interagency review process for this draft rule.

16               More generally, in terms of siting, we're  
17       already involved in, say, there are actually two  
18       offshore shellfish farms in federal waters that are  
19       going in in the next year that have just been  
20       permitted, one off Massachusetts, a group of fishermen  
21       who are doing mussel farming from Cape Cod, and a  
22       private company off California that includes some  
23       investors who are major wholesalers of seafood in the  
24       country. We were involved in both from a sort of  
25       developmental perspective in terms of working with the

1 Corps of Engineers on the consultation process.

2 In New England, we are also beginning a  
3 series of workshops on the issue of, you know, okay,  
4 if you're going to have a mussel farming industry in  
5 federal waters like they do in Canada or New Zealand,  
6 what about sites? What about whale and turtle  
7 entanglements in particular, which is of concern.  
8 There's never been a case of whale or turtle  
9 entanglements in mussel farms.

10 But, you know, like other lines that go out  
11 in the water, it's something we need to be cognizant  
12 of. So our Northeast Regional Office or the Greater  
13 Atlantic Office has pulled together some of the  
14 country's experts on these entanglement issues and  
15 design issues and is going through a series of  
16 workshops on that. So maybe there's some gear  
17 modification and siting issues that we solve that way.  
18 We probably have a lot to learn from New Zealand.

19 In terms of the Gulf, there have been a  
20 number of siting studies, sort of exclusion mapping  
21 overlays, you know, where you look at shipping lanes  
22 in oil and gas and protected areas and algae blooms  
23 and so on, trying to figure out where you could have  
24 these things. So the Gulf actually winds up being  
25 smaller than you think when you do all that. But, you

1 know, you can fit a lot of fish in net pens in a very,  
2 very small area. So we're not talking about needing  
3 much acreage.

4           Somebody did a back of the envelope the  
5 other day -- actually, it was the guy who runs Icicle  
6 salmon farms in Washington State figuring that if he  
7 used one-third of 1 percent of the Puget Sound and the  
8 U.S. side of the Straits of Juan de Fuca, you could  
9 replace all of the imports from Chile of salmon. But,  
10 you know, whether the Puget Sound wants to do that is  
11 another question.

12           But there are lots of places around the  
13 country where we could. I think in the Gulf what's  
14 going to happen, you know, if you Google Maya fish,  
15 there's a company with cages 15 miles off the Yucatan  
16 growing red drum. They have their own feed mill.  
17 They're flying filets into the U.S. market, and  
18 they're showing up in places like North Carolina in  
19 supermarkets. Why can't we do that?

20           The guy who has the biggest set of red drum  
21 and striped bass farms in Texas, Jim Ekstrom, every  
22 time he sees me he says, Rubino, you haven't done  
23 diddly squat in your job. I still can't get a permit  
24 to grow fish in the gulf. I'm limited in terms of  
25 pond capacity and freshwater and discharge.

1           So probably what he would do would be to  
2   headstart red drum in tanks or ponds and then finish  
3   them off in net pens, get them out before hurricane  
4   season. So, you know, the tools are there, and I  
5   think as an Agency we will continue to be involved,  
6   particularly on our environmental responsibilities so  
7   that we have those tools to make sure that it's being  
8   managed properly.

9           CHAIRMAN RIZZARDI: So, Michael, I know --  
10   oh, Julie.

11          MS. MORRIS: He can go first.

12          MR. FISHER: You know, Michael, I was  
13   curious a couple of things. One is in terms of  
14   imports that are coming in, is it predominantly  
15   shellfish or is it something else and can we actually  
16   fill that void, one question. The second question is  
17   I was curious about how much you've had to do with  
18   like the Governors Associations because obviously they  
19   have a lot to say about siting sorts of things.

20          MR. RUBINO: So first question, I mean, you  
21   know, a good part of our imports are shrimp, so I  
22   don't expect that we're going to grow a lot of shrimp  
23   in the United States. It's cold here. As a former  
24   shrimp farmer, I'm no longer in business. The price  
25   of shrimp today is the same as it was 20 years ago

1       when I was farming shrimp. So the real price has gone  
2       up. You can get two or three crops a year in warmer  
3       places. Yeah, there are all of these little mom-and-  
4       pop recirculating shrimp farms popping up around the  
5       country, but that's a drop in the bucket.

6               But I think on a number of the fin fish  
7       species, you know, as I said, we could grow a lot of  
8       fish through a combination of tanks, ponds, and net  
9       pens, and we're probably going to need all three.  
10      Will we replace imports? I think that's going to be a  
11      very gradual process. Probably no, but I think we can  
12      in terms of the increased consumption provide more  
13      from domestic production.

14             And there's some species that it doesn't  
15      make any sense for us to grow, but our markets wants  
16      them. The other thing, I think as an Agency and as a  
17      country is I think we're -- maybe this is behind part  
18      of your question. We're starting to think about not  
19      farming and fishing so much but about a range of  
20      technologies to produce seafood.

21             As you know, there are many that are a  
22      hybrid of aquaculture and fishing. And as an agency,  
23      we need to be able to manage for that range as well.  
24      You know, hatcheries and fattening of fish are hybrids  
25      of the two. Lobstering in New England is a hybrid. I

1 mean, most of the herring catch goes into lobster  
2 traps and we're feeding the lobsters. And it goes  
3 across the same docks, the same markets, a lot of the  
4 same people are involved. So it's just a question I  
5 think socially of what's acceptable, and all politics  
6 is local. That was your first -- what was your second  
7 question?

8 MR. CHATWIN: Whether or not the Governors  
9 Office, you know, the National Governors Association  
10 has been very involved or not.

11 MR. RUBINO: Yeah. Well, a handful of  
12 governors in places that have a lot of aquaculture are  
13 involved. But your suggestion's a good one in terms  
14 of, you know, I think as aquaculture goes to other  
15 states, having the governors involved is going to be  
16 critical. I mean, this Washington Shellfish  
17 Initiative started because the Governor of Washington  
18 wanted to do it. And the new Governor of Washington  
19 wants to sort of relaunch it in December. The same  
20 thing's true in California. Jerry Brown has been  
21 behind the Shellfish Initiative.

22 So I think it can make a big difference. I  
23 was not at the state fisheries directors meeting a  
24 couple of weeks ago in part because a lot of other  
25 issues had to be discussed, but I certainly intend to

1 spend some time over the next year with state  
2 directors as well as an extension of the governors.

3 MS. MORRIS: So a comment and then a  
4 question. It seems like there's definitely an  
5 intersection between aquaculture and fisheries climate  
6 science in terms of ocean acidification and all the  
7 shellfish. So I hope that that conversation is  
8 happening within the Agency.

9 Second, you know, there's a lot of concern  
10 about the feed that aquaculture is based on, and you  
11 talked about fish trimmings and soy. So could you  
12 just elaborate on how aquaculture feed is migrating  
13 from, you know, wild caught based feed sources to fish  
14 trimmings and soy kind of products?

15 MR. RUBINO: Okay. The first question was  
16 about acidification. Within the capabilities of our  
17 labs and science programs, I think we're quite  
18 involved in that question. The Northwest Science  
19 Center, for example, has worked closely with the  
20 shellfish industry on the West Coast in terms of  
21 what's going on with these upwellings, lack of natural  
22 set of oysters in Willapa Bay, learning how to manage  
23 hatcheries between these pulses of acidic water in  
24 other hatcheries. So I think we've made a  
25 contribution there and we'll continue to.

1           In our Northeast Science Center at the  
2     Milford Lab, they're going through a whole variety of  
3     mollusks and sort of subjecting them to extreme  
4     conditions to see how they respond and recover to  
5     things like acidification. So I think the early  
6     conclusion is there are going to be some winners and  
7     losers, but this is part of looking at changing ocean  
8     conditions as well.

9           I think in the northeast we may be more  
10    concerned about changing temperature gradients and  
11    pathogens and parasites that go along with that for  
12    mollusks rather than acidification. But, you know, I  
13    think we're just at the beginning of looking at those  
14    issues.

15          In terms of feed, I think we and USDA and  
16    others have made major contributions over the past 10  
17    years to break this dependence of fed aquaculture on  
18    forage fish. In some ways, the aquaculture industry  
19    has unfairly taken blame from environmental groups  
20    because the supply of fishmeal and fish oil on  
21    worldwide markets has been constant for 30 years.  
22    Aquaculture's increased tremendously. So, you know,  
23    if you want to go lower to catch a forage fish, go  
24    lower to catch a forage fish. It's a fishery  
25    management question. Aquaculture will adapt.

1           And because that supply has been fixed and  
2   most of it now is under quota systems or responsibly  
3   managed according to the International Fishmeal and  
4   Fish Oil Association, I think the industry expects  
5   catch levels to be further lowered because of the  
6   other environmental considerations with forage fish  
7   and the price has tripled. Supply is limited. So  
8   they're all scrambling for alternatives.

9           There are environmental implications of all  
10   those alternatives too, so that's something to be  
11   mindful of. There are also nutritional issues for the  
12   fish. I mean, forage fish is kind of like the perfect  
13   food. If you start adding other things back in,  
14   you've got to put the Rubik's cube back together  
15   again. So that in part has been what we as an agency  
16   have been doing with USDA and partners is, okay, if  
17   you're going to use more plant-based feed, what else  
18   do you need to add to the feeds to allow the fish to  
19   digest that, and what about the human health  
20   implications of these alternatives in terms of  
21   nutrition? We want to make sure that we're still  
22   getting those Omega-3s.

23           So what are we doing about algae or yeasts  
24   or other sources of Omega-3s? What are we doing about  
25   fish processing trimmings? Already a third of

1 fishmeal and fish oil comes from trimmings. A lot  
2 more could. There's still a lot of dumping going on.  
3 But, you know, like in Alaska, how do you get all of  
4 that salmon waste stabilized and get the water out,  
5 get it down to the lower 48? We know how to do that,  
6 but the market has to figure out. So there's a little  
7 bit of work we've been doing there too.

8 MR. CLAMPITT: I just got a quick question.  
9 Maybe you have the answer. You hear that we import  
10 all this seafood, 90 percent or 80 percent, something?

11 MR. RUBINO: By value.

12 MR. CLAMPITT: So is that a net number?  
13 Because we export too.

14 MR. RUBINO: What it is, it's somewhere  
15 between 80 and 90 percent by value of what we eat in  
16 the United States. So, as you know, we export about  
17 half of our wild catch. A little bit of that comes  
18 back in to the U.S., plus the pin bones that would not  
19 have been taken out. It's pretty hard for us to  
20 figure out how much of the import is actually U.S.  
21 fish coming back in, but we're trying to do with our  
22 statisticians a look at that to get a little better  
23 figure. So, when you hear that 80 or 90 percent  
24 figure, it's actually of what we eat by value. It's  
25 probably two-thirds by weight.

1           MR. CLAMPITT: And the other question I had  
2       is I'm looking at the overview of the fisheries  
3       management plan. Why is the production capped at 64  
4       million pounds, and why is individual production  
5       capped at 20 percent?

6           MR. RUBINO: Well, Julie, you were on the  
7       council at the time, so correct me if I -- maybe you  
8       have. But my understanding is the council -- from the  
9       beginning. I mean, in some ways trying to use a  
10      fishery management law for aquaculture is a square peg  
11      in a round hole. So what does maximum sustainable  
12      yield mean for aquaculture?

13           The council and now the Fisheries Service  
14      has tried to interpret that as meaning carrying  
15      capacity. So what could the Gulf of Mexico support in  
16      terms of carrying capacity and still maintaining all  
17      of our environmental safeguard missions in  
18      aquaculture? That was one consideration.

19           The other I think was more of a political  
20      consideration of, you know, let's start with something  
21      modest, see how it goes, and we can revise it in the  
22      future. So 64 million pounds is roughly 29,000 tons.  
23      That's somewhere between five and 15 large fish farms,  
24      20 smaller fish farms. It's not a lot. In Maine,  
25      there's about 12,000 tons a year of salmon grown. In

1 Washington State, about the same amount. So 39 is two  
2 or three times that.

3 So I think there's plenty of capacity for --  
4 you know, this is not going to happen overnight. It's  
5 going to start small. There are going to be some  
6 people out there experimenting. If some of it's  
7 successful, then I think the second 10 years you'll  
8 see an expansion. So I think the Council has time to  
9 work with that number.

10 Why 20 percent? Again, that goes back to  
11 Magnuson-Stevens of not having, you know, one player  
12 dominate the whole industry and to allow for a variety  
13 of companies and players to be in that market. So  
14 that was the 20 percent. But there is a concern we've  
15 heard from some private sector investors that 20  
16 percent of that which is, you know, two large salmon  
17 farms would be not enough of an incentive for them to  
18 invest. So that may be something for the council to  
19 look at if we hear a lot of that in public comments.  
20 Does that answer the question? Julie, was that --

21 MS. HAMILTON: I was struck with what you  
22 said about shrimp not being cost-effective and how the  
23 price had stayed the same for 20 years, and it made me  
24 wonder. I'm assuming if the U.S. gets deeper into  
25 aquaculture, it's going to be more environmentally

1 sensitive than it would be in other countries and how  
2 that would affect cost-effectiveness, competitiveness.  
3 I mean, you just said shrimp's not competitive. I'm  
4 assuming it's because the practices in other places --  
5 not just cold water?

6 MR. RUBINO: It's mostly cold water and the  
7 number of crops that you can get a year in the U.S.  
8 You know, in Texas or South Carolina, it's one crop a  
9 year. So for the same facilities, you can get three  
10 crops a year. Even if you're close to markets,  
11 presold in advance, retail, which is what I was doing  
12 in South Carolina years ago, it's tough to compete.

13 But on species where we do have a natural  
14 environment where it works or eventually in  
15 recirculating systems once the costs come down, you  
16 know, look at Norway. Norway's got stringent  
17 environmental requirements and high labor costs, and  
18 they're supplying a million tons a year of fish to the  
19 market.

20 You know, labor is a small cost. Feed is  
21 your biggest cost, 60 to 70 percent. Hatcheries,  
22 another 20 percent. So when it gets to commodity  
23 products or it gets to processing where low-cost labor  
24 is an issue, you know, that's why we get so many  
25 frozen filets coming in from Asia, because once you

1 process it to that extent and you can ship it frozen,  
2 we're better at competing with fresh with higher-end  
3 markets which may fit, you know, in terms of with  
4 shellfish, it certainly fits with jobs in coastal  
5 communities, for example.

6 But, you know, some of you have probably  
7 read Michael Pollan's book, *The Omnivore's Dilemma*?  
8 You know, how do you get to scale in agriculture and  
9 still maintain environmental quality? Well, the same  
10 thing's true for aquaculture. Are we going to go to  
11 scale, and what does that mean and what would it mean  
12 for the environment and for prices and for seafood  
13 markets? How do we manage that process?

14 MR. NARDI: I just wanted to comment on what  
15 Paul had brought up and something for the council to  
16 consider because while 12 million pounds is a nice  
17 number when you're thinking about starting and 62  
18 million pounds is a great number, in reality, though,  
19 it does -- and I think this afternoon we can get into  
20 much more of a conversation in detail on this, but it  
21 does provide a disincentive. Twelve million pounds  
22 isn't something a company is going to reach in the  
23 first couple of years, but it is something that if you  
24 are going to invest many millions of dollars you would  
25 like to think you could reach that and surpass that.

1           And the industry as well as the regulators  
2   as well as the people looking after the environmental  
3   standard around the site will have years of starting  
4   small and growing to evaluate the conditions. So  
5   putting what I would term kind of an arbitrary number  
6   there of 12 million pounds, while it's a big number if  
7   you're starting from zero, it is a small number to  
8   somebody thinking about five, six years down the road  
9   of where they could be, and they're the ones taking  
10   the risk to start and to grow, you know. In the  
11   beginning, maybe we'd be lucky if there were two or  
12   three companies that go out there.

13           So I think it's something that the concern  
14   of having that cap is false. I mean, I appreciate,  
15   you know, we don't want to have, you know, bang, all  
16   of this growth. But in reality that does not happen.  
17   You know, you're going to start with hundreds of  
18   thousands of pounds if you're lucky and gradually get  
19   to millions. So all of us, whatever field you're in,  
20   will be watching this and be able to evaluate if  
21   there's any damage and then, based on the terms and  
22   conditions of the permit, be able to stop production,  
23   you know, and everyone, including the growers, would  
24   buy into that.

25           But I would just state that, you know, some

1 of these things, we have to use a little common sense  
2 in terms of how things would roll out as opposed to  
3 some of these seemingly harmless items that would  
4 provide disincentive to anybody taking up on the offer  
5 of doing this and in the states. They'll just  
6 continue to go elsewhere.

7 MS. MORRIS: Well, just to give it a little  
8 more context, it seems like isn't the rule constructed  
9 that it's 20 percent of the MSY? You can't have more  
10 than 20 percent of the MSY. It doesn't specify 12  
11 million pounds.

12 MR. NARDI: No. There's a --

13 MR. RUBINO: Twenty percent of 64 is --

14 MR. NARDI: It does specify.

15 MS. MORRIS: Right. But my point is that  
16 the MSY can be adjusted in an amendment to the plan.  
17 So, as the industry grows, I think the council's  
18 interest in the 20 percent cap is kind of a crosswalk  
19 from concerns we've had in some of the catch share  
20 programs where too much of the benefit was held in too  
21 few individual corporations or fishers.

22 And so I think that's what we were trying to  
23 carry through into aquaculture. We didn't want one  
24 big aquaculture lord. We wanted the ability for there  
25 to be at least five aquaculture lords in the Gulf. So

1 the 64 million pounds or 62 million pounds can be  
2 adjusted upward, but we still want there not to be  
3 just one big owner for all of that capacity in the  
4 Gulf.

5 MR. NARDI: That's an appreciated comment,  
6 Julie, and I think that's something that has to be  
7 made very clear that then, you know, what will it take  
8 to move that number up. Is it simply you're living  
9 within the terms of your conditions and there's been  
10 no problems and we can keep climbing, or does it mean  
11 we have to go to new rulemaking and go to the council  
12 and get approval and that's an uncertainty?

13 So I think the industry wants to deal with  
14 certainty that if you reach a point that's measured  
15 and if there are no compliance issues, then you will  
16 be able to continue production.

17 MR. RUBINO: Yeah, just for a point of  
18 information, I believe the way it's structured at the  
19 moment is that you wouldn't have to go through new  
20 rulemaking. But you would have to go back to the  
21 council for what's called a framework adjustment. So  
22 that would depend upon a council vote. So there is  
23 some uncertainty there, and it would take, you know,  
24 nine months or a year to go through that process, but,  
25 you know, I'd like to think that you could anticipate

1       that in advance.

2               MS. YOCHAM: Yeah. So what I'm hearing  
3       George say is that the uncertainty or the objection is  
4       not so much to the 20 percent. It's to this somewhat  
5       arbitrary cap and definition of what MSY is assumed to  
6       be in advance of production beginning.

7               And his suggestion is you would be able to  
8       adjust that down if the cap were too high based on the  
9       ongoing review of the operation and that that would be  
10      more likely to entice investors to take a chance and  
11      certainly would encourage them to be responsible  
12      operators than knowing going in that they have this  
13      cap looming, that even if they are doing a good job  
14      and not causing any problems they're still going to  
15      have to go through another uncertain process in order  
16      to continue.

17              CHAIRMAN RIZZARDI: Okay. So I had some  
18      questions on how some other federal laws will interact  
19      with this new program. The first one is are you  
20      anticipating that there's going to be a programmatic  
21      EIS at some sort of regional level and then there  
22      would be tiered evaluations as permits are coming?  
23      Because sometimes NEPA can create some issues here.

24              And the second one was following up on your  
25      presentation and the recognition that there's still

1 other federal permits like NPDES permits and River and  
2 Harbor Act permits. Those two can become obstacles  
3 for innovation and investment. And I know that  
4 there's a regulatory task force that's looking at  
5 this, and I'm wondering if you can give us any more  
6 insight looking down the road. Are we eventually  
7 looking at an integrated federal system with a  
8 programmatic EIS and one permit process?

9 MR. RUBINO: So two parts there. The first  
10 one, as part of the council action, a programmatic EIS  
11 was done. So that's already been done for this.

12 CHAIRMAN RIZZARDI: So is it tiered off?

13 MR. RUBINO: So it would be in effect tiered  
14 off. So for each permit application you might have to  
15 do an environmental assessment but not a full-blown  
16 EIS.

17 CHAIRMAN RIZZARDI: Okay.

18 MR. RUBINO: But certainly there would be an  
19 environmental review of, you know, the permit  
20 application and what's in there and so on. But the  
21 NEPA legwork has been done already.

22 In terms of other permits that are required,  
23 we are in discussions already both at the  
24 headquarters. There's a headquarters and a regional  
25 working group. Part of this aquaculture regulatory

1 task force at the federal level, principally the Corps  
2 of Engineers, EPA and NOAA working on a consolidated  
3 permit approach for the Gulf. Ideally you'll have one  
4 set of permit application documents required that  
5 would serve all three permits, one set of monitoring  
6 requirements and one set of reporting requirements.  
7 That's our objective going in.

8 So, you know, I hope to be able to report  
9 back next spring that in fact we did get to that  
10 point. You're still going to have to get three  
11 permits, but the idea is to try to make it, you know,  
12 efficient for a permit applicant and efficient for the  
13 agencies as well, because some of the information  
14 requirements are overlapping and duplicative, so we're  
15 trying to be good public servants and be efficient  
16 about this process.

17 CHAIRMAN RIZZARDI: Dave.

18 MR. WALLACE: Any estimate on how long it  
19 would take to get those permits? You know, we'll go  
20 back to Maryland has privatized some of the shellfish  
21 grounds and they want fishermen to make the  
22 applications, but you're talking about years. In  
23 Maine, if you make an application for a shellfish farm  
24 or any other farm, it takes years and there's a great  
25 uncertainty whether it will ever be issued or not

1       because, you know, you have people who don't want that  
2       in their backyard. Every lobster fisherman says they  
3       set a trap in every square inch of Maine coastal  
4       waters and tributaries, and so you would interfere  
5       with lobster fisheries, et cetera.

6               And, you know, I just think of all the  
7       nightmares in state applications. And so you have the  
8       Corps of Engineers and NOAA, BOEM conceivably all  
9       having to agree to allow a given structure in the  
10      ocean. And so can you give me a feel for how long you  
11      would think that would take?

12             MR. RUBINO: Well, I may need some help from  
13      Susan. But I think that in the draft rule there's a  
14      time limit on the Agency in terms of issuing a permit  
15      for NOAA. So, if your completed application is in --  
16      I forget how many days it is. Do you -- but it's in  
17      the rules somewhere. It's several months, but it's  
18      not years, that the regional administrator would have  
19      to issue them, to review and either say yes or no on  
20      the permit.

21             MR. WALLACE: But that doesn't take in the  
22      other --

23             MR. RUBINO: It doesn't take into account  
24      the Corps and EPA.

25             MR. WALLACE: Right.

1           MR. RUBINO: You're correct. But that's why  
2 we're trying to work on sort of a consolidated permit  
3 process to make that process go a little bit more  
4 smoothly. But if you've got other suggestions, you  
5 know, about how to improve that, I think we'd be all  
6 ears.

7           MR. WALLACE: Well, you know, I'll think  
8 about it and hopefully I can come up with one.

9           MR. RUBINO: I mean, I know one of the  
10 issues in Maryland is it's not for lack of trying.  
11 It's just that the staff they have available at the  
12 state level to process all the new oyster lease  
13 permits coming in, you've got like two people. So,  
14 you know, they've got several hundred applications in  
15 the door and they just don't have the staff to process  
16 them even if they could.

17           So I know the Corps of Engineers runs into  
18 that sometimes. We will as an agency have to think  
19 about the staffing and budget implications in the  
20 regional office in terms of reviewing things. But  
21 there is a time limit in the draft rule.

22           CHAIRMAN RIZZARDI: Okay. John or Ted, any  
23 other comments or questions?

24           MR. CORBIN: Yeah. Thanks, Keith. I just  
25 want to echo Dave's original comment in terms of what

1 Michael's dissertation said. My personal opinion is  
2 in terms of a preferred aquaculture future, we really  
3 need fin fish to complement the shellfish. In terms  
4 of the demand that's projected, in terms of reducing  
5 the significant amount of imports and the  
6 characteristics of the imports, we really need to get  
7 the EEZ mobilized and commercial aquaculture going in  
8 the EEZ.

9 The council and the Gulf Project is an  
10 excellent first step, but it's regional, and we really  
11 need to get the other regions involved should they  
12 desire to get involved and if there is interest from  
13 industry.

14 And the other point I would make is that I'd  
15 like to see more effort spent on development of marine  
16 stock enhancement capacity, both science and  
17 infrastructure, not so modest, because I think really,  
18 you know, we need to be positioned as breakthroughs  
19 come in life histories of these coastal species and  
20 even in the open ocean species where we need to be  
21 prepared to take advantage of that and have that tool  
22 available.

23 And right now I think the states are doing  
24 the heavy lifting, and the federal government really  
25 needs to get more involved both on the funding and the

1 science bases. So that would be my comment.

2 MR. AMES: Yeah, Keith?

3 CHAIRMAN RIZZARDI: Yes, sir, Ted?

4 MR. AMES: Yeah, I would agree with Joe's  
5 observation. I think stock enhancement has an  
6 untapped potential for aquaculture, particularly in  
7 species that are difficult to get through the  
8 conventional approach. Maine is particularly well  
9 positioned to do that. But I too encourage NOAA to be  
10 involved with the potential for stock enhancement.

11 CHAIRMAN RIZZARDI: Thank you, gentlemen,  
12 for those comments. And as long as we're thinking  
13 big, I'd point out that aquaculture even has the  
14 potential for conservation aquaculture and benefits to  
15 protected resources in some contexts where, you know,  
16 we could potentially be breeding and restocking  
17 endangered species. Other member comment?

18 MR. RUBINO: I could say just two words on  
19 what we are doing with stock enhancement and  
20 restoration aquaculture if that's helpful. You know,  
21 in the Gulf of Mexico, there's a lot of interest in --  
22 well, everybody's chasing British Petroleum  
23 restoration money and the states of Florida,  
24 Mississippi, and Louisiana at least, there's interest  
25 in building hatcheries for stock enhancement.

1                   So, you know, we start asking ourselves  
2           what's our involvement as a federal agency in that.  
3           So we pulled together a workshop of federal scientists  
4           and state scientists and some of the researchers  
5           several months ago. Russell Dunn, who was here in  
6           this seat a minute ago, was there as well. So it was  
7           partly answering his question about, you know, what is  
8           the use of stock enhancement for say recreational  
9           species in the Gulf.

10                   Where are we on the science? What have we  
11           learned in the U.S. in Texas and in South Carolina  
12           where they do it? What have we learned in Japan? You  
13           know, when can it be used and not used? Where do we  
14           find the resources to do the research on this because  
15           it can take eight to 10 years to figure out how to do  
16           a stock enhancement program and where does the money  
17           come from to do that. So that was an initial effort  
18           on our part on the science side to think about stock  
19           enhancement on the marine side for recreational  
20           fishing.

21                   As I said, we're involved a little bit on  
22           research in Alaska on stock enhancement for king crab.  
23           We've been asked to look at restoration aquaculture  
24           for abalone species on the West Coast that are  
25           endangered. And so scientists on the West Coast are

1       trying to figure out should we get involved, how do we  
2       do that, what would be the steps. On the sanctuary  
3       side, they're doing some work with corals in terms of  
4       hatchery raised corals in the Keys. So there's some  
5       things going on in the field.

6               MR. CHATWIN: Thank you. I just want to add  
7       one key question that in my professional experience is  
8       never answered when it comes to this sort of stock  
9       enhancement discussion, which is when are you going to  
10      stop enhancing the stock. When is enough stocking  
11      enough? I think that is never thought of when  
12      thinking whether or not to create such a program.

13             And we get approached to fund these efforts  
14      a lot, and that's a question I pose to the applicants  
15      because it's an expensive proposition and it needs to  
16      be funded somehow if you're going to get it started.  
17      So, as you have these discussions, please add that  
18      question to the mix.

19             MS. MORRIS: And just a reminder that we  
20      developed an aquaculture issue paper, right, for the  
21      Magnuson reauthorization effort? So hopefully that  
22      informs your thinking about what's next for  
23      aquaculture, because a lot of good thought and writing  
24      went into that project.

25             CHAIRMAN RIZZARDI: Michael, thank you for

1 an excellent presentation, another great member  
2 discussion. We are at 12:15 right now, so we're due  
3 for our lunch break. Public comment was scheduled to  
4 start at 1. Is there anybody here for public comment  
5 right now? All right. We didn't have folks here  
6 earlier. I'll delay us until 1:15. So take the full  
7 hour for lunch, and we'll have public comment at 1:15.  
8 Okay, thanks, everybody.

9 (Whereupon, at 12:16 p.m., the meeting in  
10 the above-entitled matter was recessed, to reconvene  
11 at 1:15 p.m. this same day, Wednesday, September 24,  
12 2014.)

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1                    A F T E R N O O N S E S S I O N

2 (1:30 p.m.)

3                   CHAIRMAN RIZZARDI: Okay. So thanks,  
4           everybody, for coming back from lunch. I just want to  
5           note for the record that we were here for public  
6           comment. There hasn't been anybody who came today for  
7           public comment. So we're going to move directly into  
8           the committee discussions and we're going to divide up  
9           into groups.

10           We actually decided that we'd turn it into  
11   three discussion groups. The Protected Resources  
12   folks will meet right across the hall in the room.  
13   Folks who want to meet on Recreational Fisheries can  
14   stay here. And in addition, we're going to get Ted on  
15   the phone so that he can have a conversation with  
16   George separately about aquaculture and developing  
17   committee comments on a report on aquaculture. So  
18   does that sound okay to everybody, and any additional  
19   suggestions?

20 (No response.)

21 CHAIRMAN RIZZARDI: Okay. I guess we'll  
22 break into subcommittees. Thanks, everybody.

23 MR. NARDI: Just for aquaculture for the  
24 subcommittee meeting there, is there a room or some  
25 place we can go to? Oh, okay.

1           MALE VOICE: You guys take one half of the  
2 room, everybody else take the other.

3           MR. NARDI: Sounds good.

4           (Subcommittee discussion groups were held.)

5           MR. DYSKOW: We have a scribe who will take  
6 notes to generate a report to the full MAFAC board  
7 tomorrow. Incidentally, the Rec Fishing Subcommittee  
8 report has been moved to 11 a.m, so it won't be in the  
9 afternoon as stated on the agenda. It will be at 11.  
10 So, Russ, you'll have to be here earlier than planned.

11          MR. DUNN: I did what? Sorry?

12          MR. DYSKOW: The Rec Fishing Subcommittee  
13 report has been moved to 11 a.m. tomorrow.

14          MR. DUNN: Oh, okay.

15          MR. DYSKOW: So you'll have to be here  
16 earlier.

17          MR. DUNN: That's fine.

18          MR. DYSKOW: And that's because of my travel  
19 schedule. I made plans prior to the commitment to  
20 chair this.

21          MR. DUNN: That works for me.

22          MR. DYSKOW: Great. So to move forward, do  
23 we have everybody that's going to participate here? I  
24 guess so. This is the first time we've had a chance  
25 to comment on this draft policy, and I really

1 appreciate the amount of work that went into this, the  
2 thoroughness and the way you've greatly expanded the  
3 breadth of the stakeholder involvement. Thank you,  
4 both of you. I realize how much of an effort that  
5 was, and you guys did all the heavy lifting, so thank  
6 you.

7 That said, this scope of policy, the last  
8 three items pretty much came from your field -- I  
9 can't say survey -- your field efforts. That was  
10 never part of the original ask from the umbrella rec  
11 fishing community. So my concern is, do we want to  
12 address subsistence fishing here? I totally am  
13 committed to the right of subsistence fishing, and it  
14 should be addressed in Magnuson. But is it  
15 appropriately part of the Rec Fishing policy, or is it  
16 a separate issue?

17 MR. DUNN: So just to clarify, those last  
18 three were specific requests at the CCC meeting.

19 MR. DYSKOW: Yeah, and I understand.

20 MR. DUNN: Yeah. No, just for point of  
21 clarification.

22 MR. DYSKOW: I understand the desire to  
23 clarify these points, and I'm not disagreeing with the  
24 need to do that. I'm simply saying do they belong  
25 here or in some other set, subset. Subsistence

1 fishing I think is a standalone that needs to be  
2 addressed in the MSA reauthorization, not necessarily  
3 in the Rec Fishing policy. It's complex, and it's not  
4 exclusive to Rec Fishing policy.

5 Expense fishing, I don't think we want --  
6 Russ, expense fishing, I can't imagine us -- oh, okay,  
7 so I'll continue to talk, but I'll go back to this  
8 again. So expense fishing, the same thing. I don't  
9 think we want that part of the Rec Fishing policy.

10 MS. WIETING: Can I interrupt you guys for  
11 one minute?

12 MR. DYSKOW: Absolutely.

13 MR. WIETING: Can you turn your mike off?  
14 Because we can't hear.

15 MR. DYSKOW: Well, I'll move it farther away  
16 and perhaps that's a compromise.

17 MS. WIETING: No, the mike is only going to  
18 him. It's the voice. Pull the mic close and talk  
19 softly.

20 MR. DYSKOW: Okay. So you would rather I  
21 put it closer and whisper?

22 MS. HAMILTON: And not talk so loud.

23 MR. DYSKOW: Okay. Good, sounds good.  
24 Okay. Are we ready to take notes?

25 MALE VOICE: Yes. Almost.

1 MR. DYSKOW: Okay.

2 MALE VOICE: We finally got into it. I  
3 don't know what was going on.

4 MR. DYSKOW: So once again, to start over  
5 for our scribe's benefit, we really appreciate what  
6 went into this. And, you know, Russ, this is a  
7 remarkable task. You did way more than we ever  
8 anticipated as far as getting grassroots feedback, and  
9 hats off. You explained that the last three items  
10 came primarily from the CCC.

11 MR. DUNN: Uh-huh.

12 MR. DYSKOW: And I understand their desire  
13 to clarify those in a policy.

14 MR. DUNN: Uh-huh.

15 MR. DYSKOW: I don't know that they need to  
16 be part of this policy because the rec fishing  
17 community, and I don't feel like I can speak for the  
18 whole community, but I'm on the board of just about  
19 every organization that's out there, including the  
20 Kenai River Sportfishing Association. I don't know  
21 that noncommercial fishermen, expense fishing or  
22 subsistence fishing should be part of the Rec policy.  
23 I don't know how the rest of you feel about that. We  
24 drove them out of here.

25 MR. DUNN: You won.

1 MR. DYSKOW: I knew I would.

2 MR. BRAME: I don't deal with subsistence  
3 fishing. So, I mean, my general impression is they're  
4 catching fish necessary for their survival.

5 MR. DYSKOW: Right. And I suspect that a  
6 lot of that came from the Western Pacific.

7 MR. BRAME: It's not recreation. But  
8 expense fishing to me, the fundamental difference  
9 between recreational and commercial fishing is  
10 commercial fishing puts a price on the head of a fish,  
11 and that's the motivation to go catch fish is for  
12 profit.

13 MR. DYSKOW: Uh-huh.

14 MR. BRAME: And if you have expense fishing,  
15 you are putting a price on the head of a fish, and it  
16 does change your motivation to catch fish, whereas  
17 recreational fishermen are out there fishing for sport  
18 or pleasure, fun, whatever.

19 MR. DYSKOW: And I think if I can interrupt  
20 for a second, I think that's the point that we have --  
21 that's the tipping point. Expense fishing is fishing  
22 for profit, recreational fishing is fishing for the  
23 social value, and we don't want to mix the two. It  
24 should be addressed, Russ, but not here in my opinion.

25 FEMALE VOICE: Where do you put barter?

1 MR. DYSKOW: I'm sorry?

2 FEMALE VOICE: Where do you put barter?

3 MR. DYSKOW: I couldn't hear.

4 MR. DUNN: Where do you put barter?

5 MR. DYSKOW: Oh, where do you put barter?

6 We want to be careful with that distinction. And  
7 taking the coward's way out, we want that addressed in  
8 MSA at some point because noncommercial fishing,  
9 expense fishing, barter fishing, subsistence fishing  
10 are all relevant topics and they're all important, but  
11 none of them fit within our definition of recreational  
12 fishing, fishing for pleasure and the social aspect of  
13 it as opposed to for money.

14 I don't know how the rest of you feel about  
15 that, but those are very contentious issues that will  
16 make it more difficult to develop this policy that we  
17 don't necessarily want in the policy to start with.

18 MS. HAMILTON: We're going to yes you to  
19 death here. But I think the expense fishing and  
20 subsistence fishing, I think I recall Henry speaking  
21 directly to all of us about this at the Managing Our  
22 Nation's Fisheries and the way that they use fish to  
23 trade for construction on their homes or that sort of  
24 thing. And so it's an important valuable item in  
25 their community. It's just fisher dollars really.

1 MR. DYSKOW: Yeah. And I don't disagree.  
2 We should address it, but not here.

3 MS. HAMILTON: Yeah, right. Yeah, I don't  
4 think it fits with what we're talking about.

5 MR. DYSKOW: Now refresh my memory. I have  
6 not spent as much time with the House draft as I have  
7 the Senate Committee draft. Is this addressed, is  
8 barter or expense fishing addressed in either draft of  
9 MSA?

10 MR. DUNN: Subsistence is.

11 MR. DYSKOW: Yeah, I knew that.

12 MR. DUNN: -- defined in the Senate draft.

13 MR. DYSKOW: Yes.

14 MR. DUNN: And as that currently stands, my  
15 interpretation and so not official Agency  
16 interpretation is I have some real concerns over the  
17 language in that --

18 MR. DYSKOW: Too broad.

19 MR. DUNN: -- it's so broad that anyone who  
20 retains a fish is considered subsistence.

21 MR. DYSKOW: But I would rather deal with  
22 those in an MSA policy, you know, than in a rec  
23 fishing policy.

24 MR. DUNN: Yeah.

25 MR. DYSKOW: So I know that your

1 responsibility with this was to get a broad base of  
2 input, and you did that.

3 MR. DUNN: Uh-huh.

4 MR. DYSKOW: I think the subcommittee, if  
5 I'm hearing the other two subcommittee members  
6 correctly, the subcommittee would recommend removing  
7 those and dealing with them in the mainstream of MSA  
8 or a subset of MSA, whatever you want to say.

9 MS. HAMILTON: One last question or comment.  
10 I know in the West that subsistence has a definition  
11 in the tribal fisheries.

12 MR. DYSKOW: Uh-huh.

13 MS. HAMILTON: So I'm assuming that you've  
14 looked at all that for --

15 MR. DYSKOW: Well, what's happened, Liz, is  
16 Mark's draft is so broad that anything could be  
17 considered subsistence fishing. And I just don't  
18 think we want to deal with that. Let the experts deal  
19 with it.

20 MS. HAMILTON: I'm just a tiny bit clear on  
21 noncommercial.

22 MR. DYSKOW: As I understand it -- Russ,  
23 correct me if I'm wrong -- noncommercial fishing was a  
24 catchall to encompass all other activities that  
25 weren't fishing for pleasure.

1           MR. DUNN: It's actually even more broad  
2           than that. Folks in the Central and Western Pacific  
3           really do not like to refer to themselves for the most  
4           part as recreational fishermen.

5           MR. DYSKOW: Yeah.

6           MR. DUNN: They refer to themselves as  
7           noncommercial, and within that umbrella, it varies  
8           slightly from place to place, but they include what I  
9           think you have in your head as recreational. They  
10          also include in some cases the idea of expense  
11          fishing. They also frequently include the subsistence  
12          end with the barter. So it is the most broad of all  
13          the terms up there.

14          MS. HAMILTON: The other two fit under it?  
15          Is that what you're saying?

16          MR. DUNN: In many cases, the other two fit  
17          within it. Not always. If you talk to all of them,  
18          they wouldn't all necessarily say expense fishing.  
19          They would virtually all say some level of subsistence  
20          fishing. They really often refer to the concept or  
21          include the concept of sort of the cultural aspect is  
22          a key part for them of the noncommercial.

23          MR. DYSKOW: Right. And I agree with all of  
24          that. I'm only saying where's the right place to put  
25          it. And I understand why everybody wanted it here,

1 but it's not part of the mainstream rec fishing  
2 thought at this point. And I think you're right.  
3 Those were strong asks from the Western Pacific and  
4 they're important. But I just think they need to be  
5 dealt with, if at all, in the mainstream of MSA.

6 MR. DUNN: You tell me. This is your forum.

7 MR. DYSKOW: Well, I understand. And I  
8 think unless anyone feels otherwise, I would make that  
9 a subcommittee recommendation, that we focus on the  
10 core issues and those dangling participles be dealt  
11 with elsewhere because they're not exclusively or even  
12 specifically rec fishing issues.

13 MR. BRAME: And I think it's important to  
14 restate what I said earlier. When you get some direct  
15 value either through barter or monetary, it changes  
16 your motivation to fish. And recreation, the  
17 motivation is to enjoy the day and catch some fish and  
18 bring it home and eat them, but there is no monetary  
19 incentive to drive you to fish. And I think we need  
20 to make that clearer too.

21 MR. DYSKOW: I think that Dick's point is a  
22 good one, and we want to get that in our notes here.  
23 In fact, maybe what we ought to do since this is a key  
24 point is come up with a bullet point as to why we want  
25 these removed from the rec fishing policy and

1       addressed elsewhere. And I think with expense  
2       fishing, what Dick said is exactly true. If there is  
3       economic motivation, it's by definition not  
4       recreational fishing.

5               MR. BRAME: And if you look at the strict  
6       definition of commercial activity in Magnuson, it  
7       includes barter.

8               MR. DYSKOW: Exactly, exactly. So  
9       subsistence fishing, our reason for striking that  
10      would be as a subbullet, it's dealt with elsewhere in  
11      the MSA draft, the future MSA draft. We're not going  
12      to deal with it here. It's going to be dealt with  
13      elsewhere. And noncommercial --

14              MS. SAGAR: They also have their own rights  
15      and laws under the Boalt decision and Presidential  
16      EOs.

17              MR. DYSKOW: Yes. I get it. I'm not  
18      opposed to it. I'm just saying it doesn't need to be  
19      here.

20              MS. SAGAR: No, I'm just helping you with  
21      your --

22              MR. DYSKOW: And I appreciate that. And  
23      then I think the third item, that we want to justify  
24      the removal of the noncommercial fishing, I think it's  
25      simply too broad and there's too many aspects of it

1       that don't relate specifically to recreational  
2       fishing. So we're recommending the taking those three  
3       points out, and we have a subpoint for each one as to  
4       why. And the encompassing recommendation is that  
5       they're relevant, but they need to be dealt with  
6       elsewhere in MSA, not in Rec Fishing policy.

7               Was I talking too fast? Did you get all  
8       that? Any other comments on the scope? Anything else  
9       we want? Yeah, I'm glad that you put these in here  
10      and I'm glad we had a chance to talk about them.

11             I heard something else that concerned me  
12      because I know there's a reason for it, and I also  
13      know there's a reason why it was brought up.  
14      Specifically, I'm sure it came from the Gulf Coast.  
15      This idea of a separate quota for hire vessels, I  
16      would not recommend that. I know why they did that  
17      and I know how it will be used. I think we want one  
18      rec fishing quota that addresses for-hire and private  
19      vessels together. Do you guys agree with that? You  
20      know what's going to happen with that? They're going  
21      to split the recreational quota into for-hire and  
22      private.

23             MR. BRAME: Oh, yeah.

24             MR. DYSKOW: So I don't think we want that  
25      to happen. But I'd really like to have some feedback

1 from the two of you on that.

2 MS. HAMILTON: Well, I'm not knowledgeable  
3 about the Gulf, so I'm not going to speak to that.  
4 But in places where I have seen quota become a  
5 property right really in any form, it creates problems  
6 and it's created some pretty big ones in the State of  
7 Washington with the charter fleet.

8 And I think the other concern I have is how  
9 does it fit into, and I'm going to go to climate  
10 change -- sorry, guys, but how does this fit into when  
11 species move, does that property right move with them?  
12 You know, I mean, I just think in this era where fish  
13 are moving to other zones, does that help?

14 MR. DYSKOW: It's complicated.

15 MS. HAMILTON: It's complicated.

16 MR. DYSKOW: And there's an underlying  
17 agenda as to why that was brought up in the context  
18 that it was. My recommendation would be that there be  
19 one recreational fishing quota, if you will, or  
20 whatever we want to call it that includes both for-  
21 hire boats and private boats or private fishing.

22 MS. HAMILTON: And then, Phil, just to add  
23 to that, the inclusion of the fishing industry in this  
24 policy includes charter and head. I mean, we consider  
25 them part of our industry.

1                   MR. DYSKOW: Oh, absolutely. Right.  
2       There's a reason why that was done. There was  
3       somebody who just wanted to split the quota up, and I  
4       respect that right other than we don't want that  
5       necessarily to be part of the Rec Fishing policy. And  
6       I know we'd get broad support from all the CCC,  
7       meaning Center for Coastal Conservation, members on  
8       that point. I know none of them are here.

9                   MR. BRAME: The idea that you just separate  
10      the quota itself in and of itself is not necessarily  
11      bad. It's just that it leads directly to a catch  
12      share program because that's the logical next step.  
13      And what catch share programs, do the reason they're  
14      funded, they're antithetical to recreational fisheries  
15      is the first thing they do is reduce effort, and we  
16      don't want to reduce the number -- we don't want to  
17      reduce the access by folks who don't have boats to  
18      charter boats, and that's what's going to happen.

19                  So, if you put a catch share program in a  
20      fishery, and here again there is a semantic problem  
21      because all they're talking about is just separating  
22      the quota, and that has a problem, as Liz said, with  
23      while it doesn't do it technically, common sense wise  
24      it infers a property right. You'll never get it --  
25      once you go down that road --

1           MR. DYSKOW: Yeah. And that's the last  
2           thing we want.

3           MR. BRAME: -- you'll never go back. So we  
4           don't like that.

5           MR. DYSKOW: Yeah. I think it's important  
6           and I think where we've lost focus is there are so  
7           many groups, whether they be commercial, subsets of  
8           commercial or, heaven forbid, rec fishing groups, they  
9           want to claim ownership of the fish. The fish are a  
10          public resource, and we want that resource managed for  
11          sustainability and utilized for the public good based  
12          on an economic model ideally. So this ownership is  
13          something we want to in my opinion steer far away from  
14          as we possibly can.

15          MS. HAMILTON: Right. So three, the third  
16          one is social equity, conservation economics.

17          MS. SAGAR: So, Phil, would you say that the  
18          appropriate place to take that up then is at the  
19          regional council level rather than in this document?

20          MR. DYSKOW: No, only because I think at the  
21          regional council level, the one region in particular  
22          would love to do this because it solves a problem of  
23          theirs but creates an even bigger problem. So we  
24          don't want to split the recreational share between  
25          for-hire and private. We want one share. I'm open to

1 other ideas on that. But I know why they brought it  
2 up and I know what their plans are, and it's not  
3 consistent with what we want to accomplish with this  
4 policy.

5 MR. BRAME: When we meet, I want to get into  
6 policy like this, get into the weeds that much, but it  
7 was brought up by a MAFAC member, so we're addressing  
8 it. You may not want to put it in in this broad a  
9 policy document.

10 MR. DYSKOW: Well, I think it's safe to say  
11 we want one recreational share. We don't want it  
12 split out between for-hire and pleasure craft and  
13 private boats. Let's put it that way.

14 MS. RIOUX: Can I read the recommendation  
15 that I have typed in?

16 MR. DYSKOW: Yes, absolutely.

17 MS. RIOUX: The subcommittee recommends that  
18 the Rec policy steer away from splitting recreational  
19 fisheries into for-hire and private anglers.

20 MR. DYSKOW: Right. That's correct.

21 MS. RIOUX: That's fine?

22 MR. DYSKOW: Good job. Excellent.

23 MR. DUNN: That's why I keep her around.

24 MR. DYSKOW: Is there anything else on this  
25 scope page that we want to talk about?

1 (No response.)

2 MR. DYSKOW: So I guess our conclusion thus  
3 far is that we want to really focus the scope on  
4 mainstream recreational fishing, recognizing the need  
5 to address these, but maybe they should be addressed  
6 in a more appropriate place.

7 MR. BRAME: Yep.

8 MR. DYSKOW: I don't think this needs to be  
9 a catchall. That's what Magnuson's supposed to be.

10 MR. DUNN: Yeah. No, and the point of  
11 having those on here was to do exactly what it did do,  
12 which is elicit conversation and input.

13 MR. DYSKOW: Right.

14 MR. DUNN: And so we have broadly done that,  
15 and I think --

16 MR. DYSKOW: No, I agree.

17 MR. DUNN: Yeah, no, so I appreciate this,  
18 and this is perfect. This is exactly the kind of  
19 input that is helpful as we go to drafting.

20 MR. DYSKOW: So as far as scope, I think  
21 that pretty much addresses what our comments would be  
22 to the full board. Now there are other aspects of  
23 this that we'd like to comment on. Could you --

24 MR. DUNN: That went to the scope. That was  
25 just the feedback that we had heard as we went around.

1       So you really just covered all of that. Now I will  
2       say just for clarity, I mean, I think you hit on this  
3       discussion in the first two in line with what's up  
4       there. The third bullet, that was a comment that came  
5       out, the nonconsumptive activity. That was a comment  
6       that was made not infrequently as we went from meeting  
7       to meeting.

8               However, I would note that in the written  
9       submissions that we just started going through  
10      yesterday there is very strong I would say pushback  
11      and prevalence saying that is not recreational fishing  
12      just for your information.

13             MR. DYSKOW: I don't think it is either.  
14      And that's more of an issue for the U.S. Park Service  
15      and, you know, Biscayne National Park and Everglades  
16      National Park where people go out in their kayaks just  
17      to look at stuff. It's not a rec fishing issue.

18             MR. BRAME: It's a recreational activity,  
19      but it's not recreational fishing.

20             MR. DYSKOW: And the last point on this, I  
21      agree with it, but --

22             MR. BRAME: They probably don't drink enough  
23      beer.

24             MR. DYSKOW: Probably not. I would like to  
25      believe that we're a single recreational community

1 with somewhat diverse needs. I don't know how we want  
2 that stated here. We took out a lot of the diversity  
3 in our previous discussion. Could we perhaps just  
4 recommend a wordsmithing change?

5 MR. DUNN: You can recommend anything you  
6 want us to consider.

7 MR. DYSKOW: A singular recreational fishing  
8 community recognizing regionally diverse needs.

9 MR. DUNN: Regionally diverse needs, yeah.

10 MS. HAMILTON: Ron, what was on my mind when  
11 I read that was that it almost goes without saying,  
12 number one, and number two, it's just like the  
13 commercial industry.

14 MR. DYSKOW: Yeah.

15 MS. HAMILTON: They get called the industry,  
16 and yet they are extraordinarily diverse. So I might  
17 have prefaced it by saying as with commercial fishing  
18 or as with the commercial industry there is a singular  
19 recreational community with diverse regional needs or  
20 something because, you know, from our world, which is  
21 a little different from where you guys are coming  
22 from, Phil, but we long for the day when fish managers  
23 say the industry. We spoke with the industry and they  
24 said and what they meant was the sport fishing  
25 industry.

1           MR. DYSKOW: Another way of saying it might  
2     be singular recreational community with diverse needs  
3     not unlike commercial fishing.

4           MR. DUNN: And now just bear in mind this is  
5     just feedback that we got.

6           MR. DYSKOW: Oh, I know.

7           MR. DUNN: This isn't a statement that is  
8     embodied in here.

9           MR. DYSKOW: We're going to get lots of  
10    comment at the main meeting, and I would like to just  
11    clarify what the ask is before we get into all of that  
12    dialogue.

13          MR. DUNN: Okay.

14          MR. DYSKOW: And, you know, I agree with the  
15    comment that nonfishing activities again aren't part  
16    of the Recreational Fishing policy and if they're to  
17    be dealt with, they should be dealt with elsewhere.  
18    And we already made the statement that subsistence  
19    fishing is different than recreational. That's why we  
20    recommended it be removed. And, you know, the first  
21    statement, again, we just clarified that as well, and  
22    that was our justification for removing it.

23          MR. DUNN: All right. You want me to scroll  
24    through to see what other slides are at -- do you want  
25    to --

1 MR. DYSKOW: Yes, go ahead.

2 MR. DUNN: So those were the four  
3 overarching goals. And so the two slides that might  
4 be most helpful in this conversation would be this  
5 actually and then what have we heard in general on  
6 these.

7 MR. DYSKOW: Well, what I was envisioning  
8 for tomorrow would be to deal with the scope, which we  
9 already did.

10 MR. DUNN: Yeah.

11 MR. DYSKOW: To deal with the goals of the  
12 policy and see what's remaining between this. So this  
13 is I think the second area of discussion.

14 MR. DUNN: Sure.

15 MS. HAMILTON: One thing we talked about in  
16 the meeting in the Northwest was that NOAA has  
17 tremendous influence over freshwater fisheries. I  
18 mean, these fish are listed in three states all the  
19 way to Idaho. And so the word saltwater felt  
20 noninclusive to the constituencies who are managed  
21 under NMFS's sphere. So that comment didn't make it  
22 up in the rollup, and I don't know whether we want to  
23 just leave it alone here, but understand there's a lot  
24 of freshwater fishing that NOAA has control over.

25 MR. DYSKOW: Yeah.

1 MR. DUNN: Maybe it would be --

2 MS. HAMILTON: Strong constraints because of  
3 ESA.

4 MR. DUNN: Yeah. So I would be concerned  
5 about taking out saltwater. But then perhaps maybe a  
6 solution is anadromous, adding in the anadromous  
7 qualifier if you will.

8 MS. HAMILTON: I don't know if we want to  
9 spend a lot of time on it.

10 MR. DYSKOW: Yeah. It's a saltwater species  
11 that spawns in fresh water, so it is saltwater.

12 MS. HAMILTON: Well, but the fishing for it  
13 mostly occurs in fresh water.

14 MR. DYSKOW: I got it. I get it.

15 MS. HAMILTON: You've got about a million  
16 angler trips tied up in these fisheries.

17 MR. DYSKOW: Yeah, I get it. I think maybe  
18 a good way to do this, Liz, is to go through the  
19 policy one by one, and I think on the first one,  
20 foster and enhance sustainability, healthy and diverse  
21 recreational fisheries and public access to them, I  
22 think we could take out the noncommercial fishing  
23 because we struck it from the scope.

24 MS. HAMILTON: Uh-huh.

25 MR. DYSKOW: Everybody agree with that?

1 MS. HAMILTON: That works.

2 MR. BRAME: But it's just that, you know,  
3 apparently in the islands, that's --

4 MR. DYSKOW: Again, it's subsistence fishing  
5 and, you know, it's not a recreational activity by  
6 definition, so it shouldn't be dealt with in the  
7 Recreational Fishing policy. I'm not saying it --

8 MR. BRAME: Are they catching them hook and  
9 line? They're catching them to eat.

10 MR. DUNN: For the vast majority. I mean,  
11 if you talk to them, I haven't seen any studies on  
12 what the actual retention and consumption rate is, but  
13 in just discussions, whether in a group or  
14 individually, it is I go out, I catch what I want to  
15 eat, maybe a couple of others, then we go in.

16 MR. DYSKOW: And I think in Item No. 2, you  
17 take out noncommercial too. And again to your point,  
18 Dick, noncommercial fits more with subsistence than it  
19 does rec fishing.

20 MR. BRAME: That's what I'm trying to come  
21 up with is how is it different from subsistence  
22 fishing.

23 MR. DYSKOW: He wants to use your mike.

24 MR. BRAME: Yeah, I just wonder how it's  
25 functionally different than subsistence fishing.

1           MR. DYSKOW: And I think Item No. 3,  
2   encourage partnership engagement and innovation, is  
3   key. One of the areas of innovation as a subpoint to  
4   No. 3 that I'd like to put on the table is if NOAA is  
5   going to manage recreational fishing in saltwater,  
6   NOAA needs the capability of capturing better data. I  
7   would like to as a subpoint to No. 3, maybe something  
8   like i.e., electronic catch reporting via cell phone  
9   app.

10           MR. BRAME: That's a little too weedy.

11           MR. DYSKOW: A little too weedy?

12           MR. BRAME: Yeah.

13           MR. DYSKOW: But they have nothing to date.  
14   They have nothing today that works. And with data,  
15   bad data makes bad decisions.

16           MS. HAMILTON: It does.

17           MR. DYSKOW: If it is a user-friendly cell  
18   phone app recording the catch of red snapper, for  
19   example, would be pretty simple.

20           MR. BRAME: But it's not applicable.

21           MR. DYSKOW: To what?

22           MR. BRAME: To estimating harvest.

23           MS. RIOUX: Can I ask a clarifying question  
24   on the subbullet under 3? You mean sort of -- you've  
25   seen the discussion guide where there's bullets

1       underneath sort of?

2               MR. DYSKOW:   Yes.

3               MS. RIOUX:   That's what you mean, right?

4               MR. DYSKOW:   Yes.

5               MS. RIOUX:   Not to incorporate it into the  
6       language of this larger goal?

7               MR. DYSKOW:   No. 3 is encouraging  
8       partnership engagement and innovation.  One form of  
9       innovation that I'm suggesting as a possibility is a  
10      cell phone based recording tool via an app, via a cell  
11      phone app.

12              MR. RIOUX:   For real-time reporting.

13              MR. BRAME:   It won't work.

14              MR. DYSKOW:   Well, you might be right.  
15      You're more of an expert on it than I am, and I defer  
16      to your opinion.

17              MR. BRAME:   Well, there's an MRIP study  
18      underway now by Greg Stunz in the Gulf where they're  
19      using snapper, but they're doing a panel survey.  
20      They're picking people at random to report.  I think  
21      it's wrong of us to sort of imply through this idea  
22      that there's some way we can just have a phone and you  
23      report and you get good information.

24              MR. DYSKOW:   Well, let me explain why I  
25      think it might need to be there, Dick.  I know that

1       within this group alone there are many people that are  
2       going to expect an enhanced level of recreational  
3       fishing reporting, and at the same time somebody  
4       brought up, I think it was Michele, the idea of  
5       recreational fishing financial contribution, which is  
6       a different issue altogether, licensing or permitting  
7       or something.

8               But I'm willing to put on the table the  
9       exploration of a cell phone based app for rec fishing  
10      reporting, and if it doesn't work, maybe we couch it  
11      in such a way that it's a discussion item. I don't  
12      know that what we have works any better. My own  
13      personal experience with it is it's useless.

14             MR. BRAME: Well, it's not useless. It's  
15      actually a very good recreational data collection  
16      system, but it's designed --

17             MR. DYSKOW: Are you talking about the  
18      people that ask questions at launch ramps?

19             MR. BRAME: Yes.

20             MR. DYSKOW: Okay.

21             MR. BRAME: It's designed to catch the more  
22      commonly caught species, and where we run into  
23      problems is where they're not commonly caught.

24             MR. DYSKOW: Help me out. Why would that be  
25      better than cell phone reporting?

1 MS. HAMILTON: As a license requirement I  
2 think is we're talking about, not as a gee, this is  
3 fun, but as a this is where my license is now. And in  
4 Oregon, when you catch a fish, you have to tag it.  
5 You have to write it down, and if Enforcement --

6 MR. DYSKOW: Yeah, same thing in Alaska with  
7 salmon.

8 MS. HAMILTON: Yeah. If Enforcement  
9 approaches you and you have fish that are not written  
10 down, you've broken the law. In fact, you're not even  
11 supposed to put your rod out again.

12 MR. DYSKOW: Well, maybe what we ought to do  
13 to address that point, Dick, maybe that subpoint  
14 should be as an enhanced level of recreational fishing  
15 reporting, i.e., a cell phone app or a more enhanced  
16 paper system.

17 MR. BRAME: I'm certainly not opposed to  
18 innovation and trying new things and new ways of doing  
19 this, but there's all kinds of problems with self-  
20 reported data that are -- self-selected is the better  
21 term. Self-selected data is more of a problem. So I  
22 think as long as we couch it as innovation and looking  
23 into -- what's the right -- statistically correct --

24 MR. DYSKOW: Exploring?

25 MR. BRAME: Exploring ways, meaningful ways

1 to enhance, we all want better data. We all want  
2 quicker data.

3 MR. DYSKOW: Yeah. I think, Dick, and  
4 correct me if I'm wrong, Russ, you're way closer to  
5 this than I am. I think one of the asks or wants from  
6 within NMFS is for a better reporting tool for rec  
7 fishing.

8 MR. DUNN: Sure, and we're, as you know, you  
9 know, many years into that process, and it's a  
10 continuing step-wise process. As Dick alluded, there  
11 are some -- I think there are eight electronic  
12 reporting pilot programs going on in the Gulf and  
13 South Atlantic right now to bear out is this tenable,  
14 is this not, where are the issues that may need to be  
15 addressed. So it is something. It wouldn't be  
16 inconsistent to encourage it. It would be consistent  
17 with, you know, encourage exploration of it.

18 MR. BRAME: Yes.

19 MR. DYSKOW: And I think the second piece of  
20 this is even more contentious. If you didn't like  
21 that one, you definitely won't like the second part,  
22 and that is do we want to explore -- again, this is  
23 the second subpoint under No. 3 relating specifically  
24 to innovation. Do we want to explore specifically  
25 some sort of a recreational fishing permitting or

1       licensing process for federal waters. And I'll say  
2       that for two reasons. You know, it's not something,  
3       you know, that I'm necessarily excited about. But the  
4       immediate shortfall within NMFS is going to be related  
5       to financial resource, and the reason we have a better  
6       relationship within the states in my opinion is  
7       because we're financially important to them.

8               License revenue pays their salaries in most  
9       states. NMFS has no financial incentive to be  
10      supportive of recreational fishing because they don't  
11      make any money off of us . Just think of what 11  
12      million \$10 licenses or permits would be or \$20 or \$5,  
13      whatever it is.

14             MR. DUNN: Do I get control of those funds?

15             MS. HAMILTON: Yes, yes.

16             MR. DYSKOW: Well, again, that's an internal  
17      discussion.

18             MR. BRAME: Yeah, the problem and I'm all  
19      for that. I'm all for that for that reason and  
20      another one. But the problem is the money goes to the  
21      general fund.

22             MR. DUNN: That's correct.

23             MR. BRAME: It doesn't go to the Agency.

24             MR. DYSKOW: Well, but I think again you  
25      could i.e., it's got to be used within Rec Fishing to

1 support the overhead, additional overhead or expense  
2 of administering rec fishing.

3 MR. BRAME: The short term answer to the  
4 recreational data collection problem in the EEZ is  
5 identifying the fishermen who fish there because it's  
6 a small subset of the angling population.

7 MR. DYSKOW: Yes. Right.

8 MR. BRAME: So it's essentially a rare event  
9 fishery, and you wouldn't expect MRIP to effectively  
10 monitor that. So what the Gulf states are doing I  
11 think would apply to every Atlantic -- I'm not sure  
12 about the West Coast, but I'm sure all Atlantic coast  
13 states and Gulf states would benefit from some sort of  
14 EEZ permit to identify that population.

15 MR. DYSKOW: Right. I think that's a key  
16 point, and a lot of people would buy that permit I  
17 know in the Gulf where I fish only because they're  
18 never sure whether they're -- I won't say never, but  
19 they're always unsure as to whether they're going to  
20 be fishing in federal waters or not. There's that  
21 gray area. And in my case, I would deal with it  
22 simply by buying the permit anyway just to be safe,  
23 which I think a lot of people would do.

24 MR. BRAME: If I remember correctly, in  
25 Louisiana there were 6- or 700,000 recreational

1 licenses.

2 MR. DYSKOW: Yeah.

3 MR. BRAME: And they required a free permit  
4 to fish in federal waters, and I think it was 14,000  
5 is all that was --

6 MR. DUNN: Yeah, I wanted to say it was  
7 around 4 percent, 3, 4 percent, something like that.

8 MR. DYSKOW: Yeah. And if you look at --

9 MR. BRAME: And compared to a large scale  
10 survey like MRIP, that's nothing.

11 MR. DYSKOW: I think in the big picture  
12 today, if rec fishing catch limits were -- rec fishing  
13 bag limits for Gulf red snapper were relaxed in  
14 federal waters, you'd have a lot of people fishing  
15 there. And there's 3 million potential recreational  
16 anglers that claim an interest in red snapper, and it  
17 may be more numbers than we think.

18 But in either case, I think to get broader  
19 buy-in from MAFAC, from the Agency and from others, we  
20 need to put some things on the table that are of  
21 interest to them. And that's the only reason I think  
22 those two subpoints probably ought to be there. And  
23 I'm open, if you guys don't agree, I'm fine with that,  
24 too. But I'm looking at how do we get this thing  
25 moving forward and how do we garner support. One way

1 we do that is by giving people what they want or what  
2 they think they want.

3 MR. DUNN: Well, and just one comment going  
4 to the issue of a federal permit. So, as the law is  
5 structured, we are able to do cost recovery in terms  
6 of retaining funds which we expend to administer the  
7 permit. The remainder goes to the general treasury.

8 One of the issues that has arisen in the  
9 past with the concept of a federal permit and being  
10 able to take those revenues, retain them and use them  
11 within the Agency has been the position of the Hill  
12 where they have said, well, if you really want that,  
13 we could potentially work that out, but we're going to  
14 deduct those revenues from your baseline to begin  
15 with. So, if that moved forward, I would implore you  
16 to do so in a way that would make sure that it is  
17 value-added as opposed to --

18 MR. DYSKOW: And, Russ, at this point, this  
19 is a working draft of a possible policy.

20 MR. DUNN: Oh, absolutely. I understand.

21 MR. DYSKOW: And I think there are people  
22 that would like to see those things, and they're  
23 things that aren't necessarily inconsistent with our  
24 goals and objectives. And, you know, if it needs to  
25 stricken at a later date, so be it.

1           MR. DUNN: I'm not suggesting that. I'm  
2 just sort of adding clarity that if it did begin to  
3 gain traction, there's one major potential hiccup that  
4 would have to be addressed.

5           MR. DYSKOW: So just to reclarify, under the  
6 possible goals of the policy, on No. 1, we only took  
7 out the noncommercial aspect of this, left everything  
8 else the same as far as recreational fisheries and  
9 public access to them, but we took out the  
10 noncommercial part. Item No. 2, we took the same --  
11 did the same thing. We took out noncommercial.

12          MR. BRAME: Item 3, you wanted to add --

13          MR. DYSKOW: We added two subpoints. Could  
14 you read what you have for subpoints, please?

15          MS. RIOUX: I only have one subpoint under  
16 Item 3, that it should include a cell phone based  
17 reporting mechanism unless the --

18          MR. DYSKOW: Yeah, I would say the  
19 consideration of a cell phone based reporting system  
20 because all we want to do is consider it. We don't  
21 want to mandate it because, as Russ pointed out, there  
22 are challenges with that.

23          MS. RIOUX: And then was the discussion  
24 surrounding the possibility of a federal licensing  
25 program supposed to go under --

1           MR. DYSKOW: License or permit -- licensing  
2 or permit program.

3           MS. RIOUX: Is that supposed to go under 3?

4           MR. DYSKOW: Yeah, that would be subpoint 2  
5 or subpoint B under Item 3. Does anybody have  
6 anything else on this page?

7           MS. HAMILTON: Well, that is an -- can I --  
8 I think actually that is an important question. Is  
9 the license or permit a recording document or  
10 permission to do so without which you can't fish in  
11 those waters in the EEZ?

12          MR. BRAME: Or both.

13          MS. HAMILTON: Or both, because, you know,  
14 and the other --

15          MR. DYSKOW: Let me see what I get -- the  
16 reason I think it should be there is many people  
17 expect it there because if you're going to fish  
18 commercially in those waters, you need some sort of a  
19 license or permit.

20          MS. HAMILTON: Uh-huh, exactly.

21          MR. DYSKOW: They're going to want to see  
22 the same thing from us as recreational fishermen.  
23 Let's put it on the table, but not get so far down  
24 into the minutiae that we define what it is because I  
25 don't know what it should be.

1 MS. HAMILTON: Okay.

2 MR. DYSKOW: I really don't.

3 MS. HAMILTON: Right.

4 MR. DYSKOW: But I know that if it's not  
5 there, people are going to ask for it. So let's put  
6 it there.

7 MS. RIOUX: It would be helpful to  
8 understand the connection between the federal  
9 licensing and/or permit program and Goal 3.

10 MR. DYSKOW: And the what? Say that again,  
11 please.

12 MR. DUNN: The nexus between Goal 3 and the  
13 consideration of a federal EEZ permit.

14 MS. RIOUX: Why is that the goal that you --  
15 I'm just interested. Is it an innovation idea?

16 MR. DYSKOW: It's a form of innovation.  
17 It's a form of innovation.

18 MS. RIOUX: Or a partnership thing?

19 MR. DYSKOW: The cell phone reporting --  
20 exactly.

21 MS. RIOUX: So it could go in the data goal.  
22 That's my question is why under this one.

23 MR. DYSKOW: Just because it's a convenient  
24 place to park it. And I think people are expecting to  
25 see those types of things, and it could be a

1 significant component in the final policy. It's got  
2 to be somewhere. Anything else on this page or  
3 anything else that you think should be there? Russ,  
4 you're the author.

5 MR. DUNN: It is fairly clear to me that  
6 there's overwhelming and I think appropriate interest  
7 in adding a data and science goal. That has not been  
8 fleshed out in any way. Do you all have any  
9 particular inputs? I mean, I know this sort of would  
10 be shooting from the hip. But any particular inputs,  
11 guidance that -- I mean, even so basic as yes, the  
12 subcommittee believes it's appropriate to add that  
13 sort of goal, that sort of thing.

14 MR. DYSKOW: You know, our intent so far --  
15 go ahead, Dick. Go ahead, Dick.

16 MR. BRAME: Well, a couple things. One is  
17 clearly we want better data, and by that we mean  
18 better catch estimation and better data on the stocks  
19 that are managed for recreational fisheries to make  
20 the better management. But I would also think we  
21 would as part of a policy is you try to -- you would  
22 try to tailor management to the data that we have and  
23 not the other way around, because the fundamental  
24 problem with Magnuson is we've tried to put  
25 recreational fisheries in a commercial fishing box.

1       Why not look at the data we have and the management  
2       needs we have and make a sustainable data management  
3       system based on that, not on real-time reporting, end-  
4       season closures, AMS and all that. Liz just had a  
5       heart attack.

6               MR. DUNN: No, I would put that more  
7       probably in sort of a management box as opposed to a  
8       data and science box because it's really application  
9       in management.

10              MR. BRAME: In management. I would agree.

11              MR. DYSKOW: You know, there's two ways of  
12       dealing with this. I think enhanced data collection  
13       is a key component. We can either add this as a  
14       possible goal or leave it as it is as a subset of Item  
15       No. 3, recognizing it needs to be there because as far  
16       as a goal of the policy, you could argue that it's a  
17       stakeholder goal, but it's really an internal goal. I  
18       could go either way on that. We could add a point  
19       that one of the goals is enhanced, accurate, and  
20       consistent data collection, and then we could just  
21       move that subpoint on the cell phone app into that.

22              MS. HAMILTON: I was thinking it could go  
23       under different places.

24              MR. DUNN: Yeah, it does, yeah.

25              MR. DYSKOW: So how do you feel about that?

1       Would you like to put in a separate point about a goal  
2       is enhanced data collection on recreational --

3               MR. BRAME: I think we would be remiss if we  
4       didn't bring that out front and center.

5               MR. DYSKOW: Why don't we do this then. Let  
6       us add a point. What I'd like -- are you able to edit  
7       this, or how are you -- are you editing this document,  
8       or are you --

9               MR. DUNN: No, I think she's --

10              MS. HAMILTON: She's just taking notes.

11              MR. DUNN: -- taking notes, and then we'll  
12       create something for you all to review.

13              MR. DYSKOW: Okay. We want to add an  
14       additional point, an additional goal, and you want to  
15       state that, Dick? You said it pretty succinctly. Or  
16       let me take a stab at it. You can tell me where I got  
17       it wrong. An additional goal would be the enhanced  
18       data collection -- enhance the data collection through  
19       innovative means of recreational fish catch. Is that  
20       adequate?

21              MR. BRAME: Yeah.

22              MR. DYSKOW: And then as a subpoint to that,  
23       you can add the point about the possibility of the  
24       cell phone reporting. Sir?

25              MR. DUNN: I would suggest that you might

1       want to make it more broad than just catch because you  
2       might find that there are deficiencies in  
3       socioeconomic data collection.

4               MR. DYSKOW: Give us a recommendation.

5               MS. HAMILTON: Oh, I love that.

6               MR. DUNN: So I guess I would broaden it out  
7       to be enhanced --

8               MS. HAMILTON: Data? I don't think you're  
9       allowed to recommend.

10              MR. DUNN: -- data collection, catch effort  
11      and socioeconomic data.

12              MR. DYSKOW: We've asked him to.

13              MS. HAMILTON: We put him in the middle of  
14      us.

15              MR. DUNN: I missed all that. My review's  
16      coming up at 3:30. So, yeah, I would add that in in  
17      some concept.

18              MS. HAMILTON: Recommending an additional  
19      goal?

20              MR. DUNN: I have to. I've got to go see  
21      Eileen.

22              MR. DYSKOW: So could you read that back to  
23      see what that sounds like?

24              MR. DUNN: I'm not sure we have something to  
25      read back at this point.

1 MS. RIOUX: I did not get Russ's  
2 recommendation down in writing.

3 MR. DUNN: I didn't really verbalize one. I  
4 thought it was more appropriate for the committee  
5 members to do that.

6 MR. DYSKOW: Are you telling me that he  
7 can't do one? Is what you're saying that he's  
8 prohibited from doing that? That point is so taken,  
9 so the committee will restate it.

10 MR. BRAME: Well, better not only catch data  
11 but socioeconomic data.

12 MS. RIOUX: Means of -- what if -- okay, how  
13 about I'll read back what I think that you want. The  
14 subcommittee recommends adding an additional goal to  
15 enhance data collection through innovative means.

16 MR. DYSKOW: Yeah, and then the subpoint  
17 that we had previously under No. 3.

18 MR. BRAME: But enhance catch and  
19 socioeconomic.

20 MS. RIOUX: You want them spelled out?

21 MR. DYSKOW: And make sure the word  
22 recreational fishing occurs in there somewhere too so  
23 we're not talking about -- yes, Russ?

24 MR. DUNN: You may be interested in  
25 including the concept also of sort of application of

1 the data in management decision as well.

2 MS. HAMILTON: For application.

3 MR. DUNN: Yeah, because it's great if you  
4 have perfect knowledge, but if you don't apply it  
5 throughout the system, it doesn't do you any good.  
6 And we've I think clearly seen in the past even where  
7 in some instances where there may have been available  
8 socioeconomic data, it is not necessarily fully  
9 considered by the relevant decision-makers.

10 MR. BRAME: That's correct.

11 MR. DUNN: Sorry.

12 MR. DYSKOW: That's all right. I just don't  
13 know how far down into the details we want to drill  
14 this. But I think that it's an important point. I'm  
15 glad we brought up the data collection piece because  
16 that's a key component here, and I know that other  
17 people are expecting that to be part of this as well  
18 or would like to see it be part of it.

19 MS. RIOUX: How did you want that  
20 incorporated?

21 MR. BRAME: Do we want to put something --  
22 since we're talking about socioeconomic data and the  
23 application of it, do we want to put something in  
24 about to the greatest benefit to the country or  
25 something that gets it using the value as part of data

1 management, or is that too weedy?

2 MR. DYSKOW: I don't think it needs to be  
3 here. You know, I think that is a point that I hear  
4 on the Hill often is that what resonates with elected  
5 officials is the economic engine that is recreational  
6 fishing.

7 MR. BRAME: Yeah.

8 MR. DYSKOW: Because where the current  
9 Administration has failed in their economic recovery,  
10 they haven't created the right number of jobs and the  
11 economic growth has all been at the top.

12 MR. BRAME: Yeah.

13 MR. DYSKOW: You know, so here we are, this  
14 huge economic machine that creates jobs and economic  
15 contribution, and it needs to be part of the  
16 consideration process at NMFS, but I think they get  
17 that. I don't think that is necessarily part of this.  
18 Anything else on this page? Why don't we move on.

19 MR. BRAME: Just as a matter of information,  
20 the proportion of trips in the EEZ in the Gulf range  
21 from about 4 and a half percent to 9 percent.

22 MR. DYSKOW: Those are the numbers that were  
23 reported.

24 MR. BRAME: That are estimated, not  
25 reported.

1                   MR. DUNN: Is that Gulfwide, or is that  
2       Pacific? Was that Louisiana or --

3                   MR. BRAME: That's Gulfwide.

4                   MR. DUNN: Gulfwide.

5                   MR. DYSKOW: It's hard -- you know, again, I  
6       think a lot of that is related to the shortness of the  
7       red snapper season. They had nine days, and there was  
8       small craft warnings for three-quarters of that time.

9                   MR. BRAME: This goes back to 2000 when it  
10      was 180 days, and back then it was 7 percent for the  
11      trips for the EEZ. The point being, I mean, it goes  
12      back to -- and that doesn't need to be reported in  
13      this. But that's one of the reasons we need the  
14      permit is to identify those people so they can be  
15      adequately sampled.

16                  MR. DUNN: Better define the universe of  
17      shore anglers.

18                  MR. DYSKOW: Yep. Okay.

19                  MR. BRAME: Actually, what we really need is  
20      a hit survey. That would solve the problem, but I  
21      don't know how you'd go about doing that. That's not  
22      for this discussion.

23                  MR. DUNN: Yeah, okay.

24                  MR. BRAME: It's just an aside.

25                  MR. DUNN: All right.

1           MR. DYSKOW: Well, this would be I think  
2 another slide that's going to have some -- it's going  
3 to raise some questions. I think nobody would  
4 disagree with No. 1, include a science and data theme.  
5 We kind of addressed that previously. Opportunity and  
6 access inclusive of allocation.

7           MS. RIOUX: And again, this is just what  
8 we've heard from the public in our town halls, a  
9 synopsis. This isn't the Agency's position on  
10 anything.

11           MR. DUNN: And that was sort of my way of  
12 ensuring that one of the key issues that has been  
13 raised has been allocation and that it has been  
14 presented through the lens of being able to access the  
15 fishery. If you have no allocation --

16           MR. DYSKOW: There's no access.

17           MR. DUNN: Right.

18           MR. BRAME: Well, that is one of the key  
19 differences in recreational fisheries is the access.  
20 You know, without it, you don't have the economic  
21 engine. So the goal of NOAA should be to increase  
22 access and not only -- abundance and access are the  
23 two key goals here. I mean, it runs throughout this  
24 document, and I don't think we can say it too much  
25 because there is a move afoot to we need to start

1       restricting access, limiting effort, the number, you  
2       know, I've ever heard people discuss some years, you  
3       know, A, C, E and F and G names can go in an even  
4       year, and B, D can go in odd years.

5               MR. DUNN:  Oh, really?

6               MR. BRAME:  I mean, just sort of --

7               MR. DUNN:  From NMFS?  Just change your name  
8       legally.

9               MR. BRAME:  That's right.

10              MR. DYSKOW:  Have a hyphenated last name.

11              MS. HAMILTON:  I've heard stuff like that  
12       for deer hunting some places.

13              MR. BRAME:  Yeah, there's been all kinds of  
14       schemes people have dreamed up.  And the goal ought to  
15       be to provide -- I mean --

16              MR. DYSKOW:  I think a piece of information  
17       that in my little draft, you've seen Mike Nussman do  
18       it.  You've perhaps seen me do it at least on Youtube  
19       if nothing else, the pitcher of gumballs where if this  
20       100 gumballs represents the total catch of fin fish in  
21       federal waters, you take out two gumballs, 2 percent,  
22       and that's pretty much the recreational catch.  So  
23       recreational anglers aren't depleting this resource at  
24       an alarming rate.

25              Then you take that same gumball approach and

1 take out the gumballs. These 100 gumballs represents  
2 the total economic value of those fish, of that  
3 fishing activity. Recreational fishing may be more  
4 than half of it depending on the data that you use.  
5 But using NMFS's data with a little extrapolation  
6 because we want to -- you know, as folks on fin fish  
7 exclusively, it's a big piece of this, arguably half.

8 MS. HAMILTON: There's another gumball  
9 you're forgetting, machine two, the one that if you  
10 have, you know, we're blue and they're red and you  
11 take out who's paying the conservation burden, it's  
12 mostly us.

13 MR. DYSKOW: It's really much more true at  
14 the state level than it is the federal level.

15 MS. HAMILTON: Right, very true at the state  
16 level.

17 MR. DYSKOW: Yeah, because --

18 MS. HAMILTON: Because we're close in.

19 MR. DYSKOW: Yeah. I think that's the piece  
20 that -- the perception is that the rec guys are out  
21 there catching all the fish, screwing everything up.  
22 That's just not happening unless there's some data  
23 that I don't know about.

24 MR. BRAME: In some fisheries, they catch a  
25 lot. But the vast majority --

1           MR. DYSKOW: Yeah, and I tend to generalize  
2 too much and look at the big picture. But I can only  
3 carry so many gumballs in my pocket.

4           MR. BRAME: That's right.

5           MR. DUNN: You can just buy new at Walmart.

6           MR. DYSKOW: That's what we did, and we went  
7 to Fred Meyers in Alaska when we did that roundtable.

8           MR. BRAME: Do we want to -- I mean,  
9 consistency and stability are -- that's almost a  
10 management goal.

11          MR. DYSKOW: I think they're talking about  
12 something different. They're talking about  
13 consistency and stability of the regulation so these  
14 head boats that book their trips out, you know, months  
15 in advance know that they're going to be able to fish  
16 during the time that they book the trip.

17          MR. BRAME: I mean, that's got to be part of  
18 the goal is to have -- you know, you can't always do  
19 it, and you don't do it in many fisheries and wild  
20 life, but the federal/state partnership I think is  
21 pretty important.

22          MR. DYSKOW: I do too because --

23          MR. BRAME: What do we want to do there?

24          MR. DYSKOW: -- it's the same ocean, you  
25 know, the same waters in most part. And I know in

1 Florida the state wants to be consistent with the  
2 feds. I think in the Gulf, the states, collective  
3 Gulf states, want to be consistent. They're getting  
4 extreme pressure to do otherwise. But I think the  
5 desire is for many reasons.

6 MS. RIOUX: Yeah, those are almost two  
7 separate thoughts that have been there, that it's  
8 stability season to season but consistency state to  
9 state and state to federal waters. There's sort of  
10 two thoughts pushed together.

11 MR. BRAME: Yeah.

12 MR. DYSKOW: So Item No. 3, are you saying  
13 regulatory consistency makes more sense than  
14 consistency and stability?

15 MS. RIOUX: Yes, regulatory consistency as  
16 well as regulatory stability, but they're two separate  
17 thoughts.

18 MR. DYSKOW: I see what you're saying. I  
19 see what you're saying.

20 MS. RIOUX: One is year to year and one is  
21 location to location. One's more geographic and one's  
22 temporal.

23 MR. DYSKOW: You folks have talked to a lot  
24 of people, but what I have heard in that process has  
25 been they're really talking about the fact that, you

1 know, I booked my anglers, you know, six months in  
2 advance or a year in advance, and then when they get  
3 here, they can't fish.

4 MR. DUNN: Yeah, that's the stability  
5 portion of that at least as we are thinking about it.

6 MS. RIOUX: What we've heard a lot about.

7 MR. BRAME: And when I think of it, I can  
8 tell you that in my entire life the dove season is  
9 open the first Saturday in September every year since  
10 -- I haven't missed an open day since 1968.

11 MR. DUNN: Red snapper always opens June 1.

12 MR. DYSKOW: What was the weather on June 1?  
13 It was blowing 30 out of the west.

14 MR. DUNN: In Honolulu, it was awesome.

15 MR. DYSKOW: Okay. Point taken, point  
16 taken. So you weren't fishing for red snapper. But  
17 if you were in Honolulu, you were fishing for red  
18 vecay (phonetic), which is also a tasty fish. All  
19 right, anything else on this page?

20 MS. RIOUX: I didn't take any notes during  
21 that section. Were there any recommendations that I  
22 missed? It sounded like you were just talking through  
23 it. I just want to make sure.

24 MR. BRAME: Yeah, we were talking through  
25 it.

1           MR. DYSKOW: Right. I think at some point I  
2 know the primal fear within MAFAC is reallocation.

3           MR. DUNN: Yes, in many places.

4           MR. DYSKOW: Taking our fish and giving them  
5 to somebody else, these fish that are our birth right.

6           MR. BRAME: Right.

7           MR. DUNN: You know, much of the  
8 conversation, it depends at what level you talk to  
9 people. When you are talking to the average angler,  
10 who is not typically involved at any depth in the  
11 process, when they say allocation, they mean I want  
12 more fish right now. But when you are talking to the  
13 next tier up who are more involved in the process, it  
14 is more typically a discussion of we need the process  
15 of allocation to be reviewed and amended, revisited as  
16 opposed to specific reallocation of fish.

17           MR. DYSKOW: Yes. What I hear is not that  
18 different from that. We want to ensure that the  
19 regional councils have the freedom -- they do, even  
20 though they don't want to, that they have the  
21 encouragement to adjust allocation as reasonable and  
22 necessary. And unfortunately nobody at any of the  
23 councils that I'm aware of is comfortable with doing  
24 that.

25           MR. DUNN: Yes.

1           MR. DYSKOW: The allocations are frozen in  
2 time and they'll never be addressed even when there's  
3 strong economic, social, and other relevant data that  
4 would suggest they should be.

5           MR. BRAME: They'll only do it with a gun to  
6 their head.

7           MR. DUNN: Well, aren't they shifting some  
8 dolphin from rec to commercial in South Atlantic?

9           MR. BRAME: That's different.

10          MR. DUNN: It's going the other way.

11          MR. BRAME: That's right, but that's  
12 different.

13          MR. DYSKOW: You know, and dolphin is such a  
14 unique specie in that they breed so many times during  
15 the year and it's almost like you can't negatively  
16 affect that specie. Let's move on to something else.  
17 What's --

18          MR. DUNN: I don't really know that there's  
19 much else to review. So this was just I had -- this  
20 repeated the same slide earlier because it followed  
21 the question. So I was giving people this is what we  
22 came out with, these are the comments that we have  
23 heard in general. Then we say, okay, do the goals  
24 here sound reasonable, and just as a reminder so  
25 people don't have to flip back, then we had this

1 slide. So that's really it.

2 MR. DYSKOW: So I think for tomorrow's  
3 meeting we need two things. We will want the  
4 capability electronically of referring back to this  
5 presentation.

6 MR. DUNN: Okay.

7 MR. DYSKOW: And then we will want to review  
8 our recommendations, our subcommittee recommendations.  
9 So would it be easier for you to just take the --

10 MR. DUNN: I'll probably do that right now.

11 MR. DYSKOW: -- the draft that you're  
12 working on and attach it to this?

13 MS. RIOUX: You want the whole presentation?

14 MR. DYSKOW: This presentation.

15 MR. DUNN: She has -- I mean, she --

16 MS. RIOUX: It's on a different computer.

17 MR. DUNN: She's got it over there on that  
18 computer.

19 MR. DYSKOW: Oh, okay.

20 MR. DUNN: The presentation but obviously  
21 not the notes. I mean, I think the notes -- what we  
22 should do is --

23 MS. RIOUX: I could just drop them in an  
24 email.

25 MR. DUNN: -- quick draft them up and then

1       either if you can do it -- what time does this session  
2       go to?

3               MR. DYSKOW: We got a little bit more time,  
4       but not much. It's supposed to end at 2:45.

5               MR. DUNN: I mean, I think there aren't a  
6       whole lot.

7               MS. RIOUX: They're ready. They're  
8       highlighted in blue.

9               MR. DUNN: You could vet them right now, and  
10      if they're good, then we'll deliver them.

11              MR. DYSKOW: Okay, let's do that.

12              MR. DUNN: But otherwise, we can email it  
13      out.

14              MR. DYSKOW: Let's try and do that.

15              MS. RIOUX: All right. The first --

16              MR. DYSKOW: Can you put them on -- is it  
17      possible to put them on screen, or --

18              MR. BRAME: It's on a different computer.

19              MR. DUNN: I can put it on --

20              MR. DYSKOW: Yeah, I get what you're saying  
21      now. I thought that she was running that -- you're on  
22      a different -- I get it now.

23              MS. RIOUX: Your jump is over there. That's  
24      on your jump rack.

25              MR. DUNN: Let me try to shut this off and

1 just take the --

2 MR. DYSKOW: That will work.

3 MS. RIOUX: I can just copy it.

4 MR. DYSKOW: So since we're running to an  
5 end with our allotted time here, although they gave us  
6 a little more time tomorrow morning, do we have other  
7 subcommittee issues we want to discuss other than the  
8 Rec Fishing policy? Or do we want to table that 'til  
9 tomorrow morning? We have some time on the agenda  
10 tomorrow morning, an hour from 9 to 10.

11 MR. BRAME: Yeah.

12 MR. DYSKOW: So why don't we do this --

13 MS. HAMILTON: Is that a breakout time from  
14 9 to 10?

15 MR. DYSKOW: Yes.

16 MR. DUNN: We do?

17 MR. DYSKOW: Yes. That's what it says here,  
18 and then our meeting is at 11. Continued subcommittee  
19 work time.

20 MR. BRAME: What time is your flight?

21 MR. DYSKOW: I don't have that with me, but  
22 I have to leave here by around -- leave this -- I have  
23 to be on my way to the airport by no later than 2.

24 MR. BRAME: Okay.

25 MR. DYSKOW: And earlier would be better.

1                   MR. DUNN: Yes. I'm in exactly the same  
2 boat. Where are you going?

3                   MR. DYSKOW: To Reagan.

4                   MR. DUNN: No, no, no, but from D.C. to --

5                   MR. DYSKOW: To Fort Myers.

6                   MR. DUNN: Oh, yeah, there's a Tampa flight  
7 that's like 4 or something.

8                   MR. BRAME: I'm at 5.

9                   MS. HAMILTON: I think mine's at 5 too.

10                  MR. DYSKOW: So could we ask you guys to put  
11 your thinking caps on tonight, and then tomorrow  
12 morning we'll see if there are other discussion topics  
13 that we want to review tomorrow?

14                  MR. BRAME: Why don't we either in the bar  
15 or at dinner talk about what we want.

16                  MR. DYSKOW: I think this obviously is the  
17 main talking point, but are there other important  
18 issues? I think what I'd like to see is that we  
19 consistently have a rec fishing agenda that deals with  
20 the mainstream national issues as opposed to regional  
21 minutiae. Like we spend a lot of time talking about  
22 barrel trauma and barrel trauma workshops. It's  
23 important. It's a subset. It's not a core issue that  
24 we need to deal with in a national advisory role. Go  
25 ahead.

1 MR. RUSS: Okay. So this is what we have.

2 (Pause.)

3 MR. DYSKOW: So the recommendation would be  
4 that we remove three of the six points in the scope,  
5 and those being removing the noncommercial, expense,  
6 and subsistence fishing from the national saltwater  
7 recreational fishing policy and cover only the  
8 traditional definition of recreational fishing.  
9 Expense fishing by definition is not recreational.  
10 When a fisher gets compensation, the motivation to go  
11 fishing changes and it's no longer recreational.  
12 Subsistence fishing is to be dealt with already in the  
13 MSA or is dealt with. You're right. It is in the  
14 draft. Subsistence fishing is dealt with already in  
15 the MSA draft, so it need not be addressed by the  
16 policy -- by this policy.

17 MR. BRAME: Leave that in.

18 MR. DYSKOW: Change the word "the" to  
19 "this".

20 MS. SAGAR: As a tribal person, I would just  
21 say again that you should probably add in the MSA  
22 draft and other presidential executive orders.

23 MR. BRAME: That's a good point. That is a  
24 good point.

25 MS. SAGAR: It gets at the weight.

1           MR. DYSKOW: Yeah, and we said that earlier,  
2           so it should be part of it. Then the remaining  
3           bullet, noncommercial fishing is too broad and there  
4           are aspects that don't relate to recreational fishing  
5           and thus, it should be dealt with elsewhere.

6           MS. RIOUX: These are just a bunch of the  
7           notes.

8           MR. DYSKOW: Yeah, those are notes that  
9           aren't part of our recommendation.

10          MR. BRAME: But they kind of go under --

11          MR. DYSKOW: So if you could scroll up to  
12          the top again, please. Looking at how we categorize  
13          these, so Item 1 refers specifically to scope.

14          MS. RIOUX: Yes.

15          MR. DYSKOW: Do we want to cite the page of  
16          the report or not? Or is it just -- do you think it's  
17          good just to --

18          MS. RIOUX: I think it's good just as it is.

19          MR. DYSKOW: Okay. Got it. I agree.

20          MS. RIOUX: Because the slide numbers are  
21          sort of --

22          MR. DYSKOW: Yeah, and they're going to  
23          change anyway.

24          MS. RIOUX: Yeah.

25          MR. DYSKOW: So scroll down from scope.

1 MS. RIOUX: I think you have another one on  
2 scope. Yep.

3 MR. DYSKOW: The subcommittee recommends  
4 that the rec policy steer away from splitting -- the  
5 subcommittee recommends that the rec policy do not  
6 split recreational fisheries into for-hire and private  
7 categories -- do not split recreational fishery  
8 allocations is what we're saying, correct? We don't  
9 split rec fishing --

10 MS. RIOUX: Where the -- yeah.

11 MR. DYSKOW: Catch share? Do not split  
12 recreational fishing quota into for-hire and private  
13 angler categories.

14 MS. RIOUX: Just to note, we're not  
15 addressing quota in the policy.

16 MR. DYSKOW: Yeah, I know. That's a good  
17 point. So the committee recommends that rec fishing  
18 policy do not split rec fishing between for-hire and  
19 private anglers, and you can take out the word quota.  
20 That's a good catch. That's an excellent word. Yeah,  
21 the less that we say quota, the better.

22 MS. RIOUX: Is that the word? I don't  
23 remember what word you used. It wasn't groups.

24 MR. DYSKOW: But that's between for-hire and  
25 private angler sectors. How about sectors? So that

1 was regarding scope. Then on policy goals, so your  
2 first bullet point under policy goals, that's just a  
3 note for self?

4 MS. RIOUX: Yes. Anything with that kind  
5 of --

6 MR. DYSKOW: Got it.

7 MS. RIOUX: -- is just a note.

8 MR. DYSKOW: So under policy goals, the  
9 subcommittee recommends the removal of the word  
10 "noncommercial" throughout the goals. We're not going  
11 to deal with noncommercial fishing. The subcommittee  
12 recommends including under innovation in draft Goal 3  
13 exploring the idea of a federal licensing or permit  
14 program for recreational fishing in federal waters.  
15 The subcommittee recommends adding an additional goal  
16 to enhance catch effort and socioeconomic data  
17 collection. Catch, effort and socioeconomic data  
18 collection through innovative means as well as  
19 improving the application and use in management,  
20 including a subbullet to --

21 MR. BRAME: Or you might say an example  
22 would be --

23 MR. DYSKOW: Yeah.

24 MR. BRAME: Including the consideration. An  
25 example might be --

1           MR. DYSKOW: An example might be the  
2           consideration of a cell phone based reporting  
3           mechanism. Okay.

4           MS. HAMILTON: Is it just reporting, or is  
5           it licensing as well?

6           MR. BRAME: Turn on your mike there.

7           MS. HAMILTON: Oh. Did we want to say just  
8           reporting, or is it licensing and reporting, or what  
9           was the other word we used?

10          MR. DYSKOW: We dealt with licensing in a  
11          previous comment.

12          MS. HAMILTON: With cell phones, though?

13          MR. DYSKOW: No, they're separate. We  
14          separated the two.

15          MS. HAMILTON: Okay. I want mine together.

16          MR. DYSKOW: The subcommittee recommends  
17          including innovation in draft Goal No. 3 exploring the  
18          idea of a federal licensing or permitting program for  
19          recreational fishing. And then the next point is the  
20          subcommittee also recommends as an additional goal to  
21          enhance catch, effort and socioeconomic data  
22          collection through innovative means as well as  
23          improving the application and use in management. An  
24          example would be the consideration of a cell phone  
25          based reporting system. Okay with that? Okay, next.

1 MS. RIOUX: I think that was it.

2 MR. BRAME: That's it.

3 MS. RIOUX: That's it.

4 MR. DYSKOW: Okay.

5 MR. DUNN: So for the moment, Danielle, why  
6 don't you pull that off and just throw it on her desk  
7 so that there's a copy here in the room.

8 MS. RIOUX: Except what? No, I did that. I  
9 took those off before I put it on the jump drive.

10 MR. DYSKOW: Would you have the capability  
11 of emailing your page?

12 MS. RIOUX: Oh, the black -- yeah. Got it.  
13 Sorry. I thought you meant the notes from this  
14 morning. Do you want the bullets like this removed?

15 MR. DYSKOW: No. If you would just send it  
16 to me so I have a copy of it for reference.

17 MS. RIOUX: I don't know that I can do that.  
18 Let's see if our --

19 MR. DYSKOW: If you can't, you can't.  
20 That's all right.

21 MS. RIOUX: It looks like I do have  
22 internet. Oh, I'm on a different --

23 MR. DYSKOW: We're done. We're done.

24 (Pause.)

25 CHAIRMAN RIZZARDI: We're about to start up.

1 Thank you, everybody, for coming back from the  
2 subcommittee meetings. I sat in on each of them and  
3 it sounded like there were some very productive  
4 discussions going on. Hopefully they'll continue  
5 later this evening as well.

6 We're coming back because Doug Lipton, who  
7 is the NOAA Fisheries Senior Scientist for Economics,  
8 has agreed to take some time on his lunch break to  
9 give us a briefing on cost recovery. And, you know,  
10 as we all have learned, fisheries management can get  
11 expensive with data collection and stock assessments  
12 and council meetings and the rulemaking and  
13 enforcement that's all associated with it, so  
14 sometimes you're ending up looking for money, and  
15 where's that money coming from and who should be  
16 paying for it and can fees be used to pay for some of  
17 these expenses.

18 So what we're going to get is a briefing on  
19 how cost recovery mechanisms have been used. And the  
20 idea is again this is sort of foundational and  
21 educational for the membership. We're not being asked  
22 to take action on this presentation. It's going to be  
23 used to inform the discussion that Tony will be  
24 leading in his breakout session with the subcommittee  
25 on strategic planning and budgeting so that maybe down

1 the road MAFAC can come up with some recommendations  
2 on to what extent can and should NOAA be using more  
3 cost recovery mechanisms. So, Doug, thank you for  
4 joining us today.

5 MR. LIPTON: Great. Thank you for having  
6 me. Yes, so I'm sorry I can't be with you there in  
7 person. I'm here in Seattle. We're having an  
8 economics meeting on the issue of the economics of  
9 allocation, and it's perfect timing. This is the  
10 lunch break, so it's not a problem. I'll be able to  
11 get my lunch afterwards, but for the next hour or so  
12 I'm here with you. And I assume you can hear me okay  
13 and that the presentation is up on the screen.

14 So whoever is in charge of that, I'll ask  
15 them to advance to the next slide. So this is just an  
16 outline of the presentation, and the goal, as we just  
17 said, is this is not going to be in-depth analysis of  
18 what NMFS does and doesn't do with cost recovery and  
19 all the details about that, more of a broader  
20 discussion and really to provide a common framework as  
21 the discussions move forward regarding concepts  
22 related to cost recovery and to inform those future  
23 discussions, so to get everybody on the same page.

24 And, again, coming at this as an economist,  
25 I want to provide this common framework using basic

1 economic theory. Don't worry. This isn't going to be  
2 an Econ 101 lecture, but I am going to use that  
3 approach on how to think about this. I'm not going to  
4 go into a great deal of detail about cost recovery  
5 around the world. I'll just show a couple of examples  
6 and even a specific example close to home from an  
7 experience I had with the State of Maryland a couple  
8 years ago. I think it was illustrative of some of the  
9 issues. So next slide.

10           There's really nice text on this topic, and  
11 this is just the table of contents from that text. I  
12 put it up here just to show you a bunch of economists  
13 have gotten together and talked about this issue.  
14 This is about 10, 11 years old, so it's not up to  
15 date, but it has some examples from around the world.  
16 This is some of the examples I'll draw on, so not a  
17 lot of new information at this point. But again the  
18 idea here is that this is something economists have  
19 thought about. I'm not going to present anything new  
20 and unique, cutting-edge research on this topic but  
21 really lay down a foundation based on other studies.  
22 But I'm going to try and put my own spin on it. So if  
23 we can go to the next slide.

24           One of the things that competition does a  
25 nice job of is define what we're talking about, and so

1 if we're talking about cost recovery, we need to be  
2 clear on costs for what, what do we mean here. And so  
3 it can be research and analysis, things like cruises  
4 are fishery dependent, independent data collection,  
5 the whole stock assessment process, all of that that  
6 goes into, you know, the fisheries models and then  
7 goes to the management deliberations, and one could  
8 think about cost recovery to recover costs in the  
9 management process itself.

10 And then of course enforcement might be a  
11 big component of this. If you change the rules and  
12 regulations, they need to be enforced. That may  
13 require greater amounts or lesser amounts of  
14 enforcement or greater or lesser amounts of any of  
15 these things, and these are what we are talking about  
16 generally.

17 If one were to talk specifically about cost  
18 recovery through enforcement, that would be a very  
19 detailed discussion. It would be different than the  
20 discussion for recovering costs for research. They  
21 all have their little quirks. Today we're just going  
22 to keep it very general. And usually I would have R&D  
23 up there because I just don't want to say cost  
24 recovery. I want to keep reminding us what it's  
25 about, so I use research, management and enforcement

1 throughout the presentation. So next slide.

2 So here we are with the economics, and I  
3 said it wouldn't be Economics 101, but this sort of  
4 looks like it. So the point we hear and, you know,  
5 make sure you understand the concept as we move  
6 forward because I'm going to carry this idea forward  
7 and it will be part of my framework of thinking is  
8 that research, management, and enforcement are inputs  
9 to the production of fish.

10 And just like fuel and labor and gear and  
11 things like that, we're used to thinking about the  
12 demand for the output, demand for fish. We all know  
13 what we're talking here, but all of the inputs, the  
14 demands for those is derived from the demand for fish.  
15 And so there's a demand for fisheries research,  
16 management and enforcement and it behaves like other  
17 demand does is that the more you have of it in your  
18 basket, the less you're willing to pay for the next  
19 unit. So that's basically what the downward sloping  
20 demand curve for research, management, and enforcement  
21 is saying here.

22 And just to keep it simple, this particular  
23 graph was saying that the value might be derived from  
24 let's just say commercial fishing industry profits or  
25 it could be if you have good measures of recreational

1 fishing benefits. The demand for the research,  
2 management, and enforcement is being derived from the  
3 ultimate goal that we're interested in. So next  
4 slide.

5 I'm not going to go into any details on  
6 this. I pulled this off of a website, and it's the  
7 results of a study that was done by Katherine Bisack  
8 in the Northeast Fisheries Science Center. We were  
9 talking protected resource issues, and the reason I  
10 pulled this one, we don't have a lot of examples like  
11 this where someone has gone in and really examined  
12 what would happen if we increased some funding in our  
13 science and research side, how the industry might  
14 benefit and quantified that.

15 So this is a peer reviewed study. It's  
16 summarized here, and I'm only bringing this up to  
17 illustrate the idea that when we invest in these  
18 things in research, management, and enforcement, it  
19 actually can lead to higher industry profits and  
20 potentially one could measure that. So next slide.

21 Now we manage fisheries more than just for  
22 industry profits. Everybody knows that there. We  
23 manage it for the benefit of the nation as a whole.  
24 So the demand curve that the industry might have for  
25 the research, management, and enforcement that they

1 would like to see, it doesn't capture everything. So  
2 here I've drawn a second demand curve that is at every  
3 point higher than the other one, meaning that for  
4 every amount of research, management, and enforcement  
5 that we generate, we create a benefit nationally  
6 that's higher than just the benefit for the industry.  
7 But again, it behaves the same way.

8           You know, so now we're adding things. We  
9 have both industry profits. We want the industry to  
10 be profitable. We want recreational fishermen to have  
11 the best fishing experiences. Now we have consumers,  
12 people who care about that we're managing our  
13 fisheries well, people who care about we have well  
14 managed, well balanced ecosystems. You know, these  
15 are the kinds of things that might get into what makes  
16 up the broader national benefits that we get from  
17 managing our fisheries. So that's the demand side of  
18 the equation. So let's go to the next slide.

19           So now it's the cost side. So we have  
20 supply and demand, so we've basically got Econ 101  
21 here on the slide. And basically from Econ 101 you  
22 want the supply and the demand to be the best outcome,  
23 the most efficient. The ultimate outcome is where the  
24 supply and demand curves cross. So for the industry,  
25 it's where that cost of supplying research,

1 management, and enforcement intersects the industry  
2 demand curve, and for the nation as a whole it's where  
3 it intersects that red curve. Next slide.

4 So now we're going to get into what does  
5 this have to do with cost recovery. So the first  
6 point is that, you know, the industry, they would want  
7 to pay for research, management, and enforcement and  
8 could pay for it if left to their own devices by that  
9 bracketed amount there. So up to where the  
10 expenditures cross the demand curve, that would be the  
11 amount that they could pay for.

12 I figure, and it doesn't matter from an  
13 economic efficiency point of view who pays, whether  
14 it's the industry or the general taxpayer, the  
15 government. We're just trying to figure out the cost  
16 of conducting the research, management, and  
17 enforcement and what the benefits are, and the  
18 efficient outcome doesn't matter who pays. So next  
19 slide.

20 So now NMFS could pay, for example, we're  
21 saying NMFS. It could be the government. It could be  
22 a state fishery. Like we said, we view this in terms  
23 of NMFS cost recovery. That whole red area,  
24 potentially NMFS could pay that, and so we're gaining  
25 all the private benefit, that's the benefit to

1 industry let's say, and all the public benefits that  
2 we get from our fisheries. It could pay that whole  
3 red tag or it could pay part of it, and so now this is  
4 what cost recovery is all about. It's how much --  
5 does NMFS pay all of that, does the industry pay the  
6 blue part and NMFS pay the red part or, you know,  
7 somewhere in between that. And so next slide.

8 That's what it's all about. But it gets a  
9 little more complicated. So that's really the ideal  
10 world that I don't think any of us think we're in  
11 where everybody would say we're spending just the  
12 right amount on research, management, and enforcement  
13 in our fisheries. And, in fact, we know, no surprise  
14 to anybody, that we probably are constrained in our  
15 budget in what we can spend so that we're not  
16 necessarily achieving the efficient outcome in the  
17 first place.

18 Now, if our budget is constrained at a  
19 pretty high level, then the industry might be very  
20 happy. And if one were to go to them and say we want  
21 to spend more so we get greater benefit from our  
22 fisheries, they might say, well, we're getting all the  
23 benefits we want, so why are you talking to us. Go to  
24 the next slide.

25 Here the situation is a little different.

1 If the budget is constrained at a much lower level,  
2 now nobody's happy. Both the industry and NMFS  
3 representing the public good are both unhappy that  
4 there are potential gains to be made, meaning that the  
5 benefits that we get back in dollar terms from  
6 spending money on research, management, and  
7 enforcement is less than the benefits we get back.  
8 We're getting back much higher benefits than we spend.

9 And so we're basically leaving money on the  
10 table, but we're doing so because we're constrained.  
11 In economic jargon, we call this excess demand. And  
12 just another thing I'd point out here is even if at  
13 some point we felt like the budget constraint was  
14 pretty high, that we were close to where we wanted to  
15 be, most people would agree with budget freezes and  
16 inflation happening over periods of time that  
17 eventually you move into this point where, you know,  
18 the buying power of research cruises and things like  
19 that is really compromised by inflation and that you  
20 haven't had any budget increases.

21 So most likely we're at this type of  
22 situation where both the industry and NMFS would like  
23 to see more funding for research, management, and  
24 enforcement. Next slide. So cost recovery really has  
25 two components to it then, and I said earlier it

1        didn't really matter who paid in terms of the  
2        efficiency. That was more of an equity issue, and as  
3        I say here, it's more of a policy call.

4                But it's not just about that equity. The  
5        point I was trying to make in these previous slides is  
6        that cost recovery is about two issues. One is moving  
7        us closer to the optimum amount of research,  
8        management, and enforcement we think is needed. In  
9        other words, reducing that excess demand, getting  
10       closer to that optimum, so cost recovery is about that  
11       issue. It allows us to move because we're in a  
12       constrained budget world more towards the optimum, but  
13       it also has this equity component.

14               And, you know, I think this is generally  
15       true in that the tradition has been that the  
16       government has mostly paid for these things except for  
17       whatever fees they charge for licenses and so on. But  
18       what you're talking about when you go from asking  
19       industry, use it as a resource to pay more, you're  
20       basically just transferring income from the general  
21       taxpayer to the industry or vice versa depending on  
22       who you're asking to pay. And there are, you know,  
23       reasons that one might want to do that.

24               Actually when we talk about some of the  
25       other countries, you'll see examples of the reasons

1       somebody might want to from an equity point of view  
2       ask industry or the beneficiaries to pay more or in  
3       cases sometimes not to. Next slide. So I want to lay  
4       out that efficiency equity difference. I'm sure  
5       they're both things that you'll have to think and talk  
6       about in your deliberations. I want to go back to  
7       some of the more practical difficulties with dealing  
8       on the efficiency side. So sort of what I presented  
9       was an idealized situation, sort of a perfect world.

10               In reality, there's going to be differences  
11       in agreement in terms of what should be in a research,  
12       management, and enforcement program between what the  
13       industry thinks needs to be done and what the  
14       government entity thinks needs to be done. So this  
15       arises in many cases where, you know, the industry  
16       might think, you know, we don't need any more  
17       regulations. We just need to enforce the regulations  
18       we have. I hear that a lot.

19               So the answer is we need to spend more on  
20       enforcement, whereas the government might say no, we  
21       need to spend more on better and higher next value  
22       that we'll get back if spending more on increasing our  
23       data collection so we improve the position of our  
24       stock assessments. So one has to deal with that in  
25       moving through the cost recovery world, that there's

1 not always going to be agreement on the value of the  
2 things that you're potentially trying to cost recover.

3 And then there are practical considerations,  
4 such as reassignment of costs. So you're going to be  
5 trying to recover costs from specific fisheries and  
6 specific groups and how are you going to assign the  
7 cost to those groups. What are you going to do about  
8 overhead costs? Do these just get absorbed? Who pays  
9 for them? How do you assign to a sector, to  
10 commercial or recreational? What is for the public  
11 benefit, what kind of research are we doing, what  
12 kinds of management, how much of it is for the public,  
13 how much is for the recreational fishery? Even in the  
14 recreational, how much is the for-hire fleet versus  
15 private anglers and so on and so on so. So those are  
16 some practical complications.

17 And then, you know, that's on the receiving  
18 side. You know, the beneficiary is benefitting. But  
19 on the actual process itself, everything or a lot of  
20 things get tangled together. It's hard to disentangle  
21 a specific fishery, what a research program is  
22 contributing to that fishery. A lot of things are  
23 multi-species, reflect a lot of fish on cruises, a lot  
24 of environmental data that's used across fisheries.  
25 So, you know, how do you figure out how to assign to

1       these specific fisheries.

2               And then another practical issue I'll point  
3       out is that if one is going to go into a cost recovery  
4       mode and base that on some sort of landing fee or  
5       something like that, this could lead to fluctuating  
6       revenues on a year-to-year basis, and that may create  
7       difficulties particularly in things like research  
8       programs where integrity of long-term data sets  
9       becomes an issue and, you know, you can't just stop  
10      collecting the data this year because you didn't  
11      collect enough revenue. So one has to think about  
12      those kinds of things. Next slide.

13             Another issue that comes up is it's a  
14      different way cost recovery is treated in catch share  
15      fisheries and non catch share fisheries, and there's  
16      some rationale for this in terms of how this works out  
17      in the economic world. So the basic argument in the  
18      non catch share fisheries, so even though, you know,  
19      we have quota management and there's no overfishing  
20      occurring without the allocation of fish to specific  
21      fishermen, we're mostly in a race to fish type of  
22      situation.

23             Now we could be in sort of an equilibrium  
24      situation. Fishery acts today as it has for the last  
25      several years. Everything's stable. And then we

1 let's say increase something, a research program or do  
2 something in management through new expenditures that  
3 end up improving the situation in the fishery.

4 So now things are better off in that  
5 fishery. Fishermen are making more money and things  
6 are great. But without the catch share situation in  
7 place, eventually that race to fish is going to  
8 dissipate those benefits. So it's hard to have a  
9 conversation about recovering costs from a program  
10 that is going to benefit the fishery when those  
11 benefits aren't going to be maintained in the future.

12 And another component of this is that in the  
13 non quota managed fisheries, this would make sense  
14 particularly in state fisheries this would be the case  
15 where there isn't as much quota management. Actually  
16 increased cost recovery in those open access fisheries  
17 could move you towards an improvement because it's  
18 sort of like a tax on effort or on landings, and that  
19 means you're going to have less effort in the fishery  
20 and might lead to stock improvement.

21 So, you know, there are arguments for and  
22 against implementing cost recovery in non catch share  
23 fisheries depending on the particular situation. Now,  
24 in contrast in the catch share fisheries and why we  
25 probably see an interest in employing cost recovery in

1 catch share fisheries is that the story would be that  
2 as things get better in that fishery due to improved  
3 research, management, and enforcement, the value of  
4 that fishery improves, your quota share value  
5 increases and that can be maintained. It's not lost  
6 in a race to fish or anything like that, so it's a  
7 benefit that continues on within the industry.

8           Next slide. I just kind of illustrate this  
9 point in a little simple table. So without catch  
10 shares in a pre-cost recovery situation, the industry  
11 profits are let's say \$25 and the government is paying  
12 \$5 in the research, management and enforcement costs.  
13 So the net benefit if we pretend we're measuring every  
14 year, then the net benefits from this fishery are \$20.

15           Now we say we're going to move to a cost  
16 recovery situation. Well, we're going to recover \$2  
17 from the industry out of that \$5. So now the  
18 government's only paying \$3. The industry profits now  
19 go down to \$23. But the net change or the net  
20 benefits from the fishery don't change.

21           This illustrates what I was saying earlier  
22 that it doesn't matter who pays. The net benefits are  
23 what they are. But in the case of cost recovery, the  
24 industry is worse off. So again you can see why it's  
25 hard to have a conversation with the industry in the

1 state they are right now and the profits they're  
2 making and say let's you guys pony up and do some cost  
3 recovery, that, you know, it's going to make them  
4 worse off.

5 In the catch share case and a lot of times  
6 one sees this, that the catch share is implemented and  
7 simultaneously through the catch share program that  
8 there'd be some allowance for cost recovery, the  
9 industry profits would have been higher without the  
10 cost recovery. They would have been \$42. But now  
11 they're only \$40, but the net benefits with the  
12 simultaneous implementation of catch share and the  
13 cost recovery are still a lot higher than they were in  
14 the non catch share fishery. So, you know, the  
15 industry is quite better off even though they're  
16 paying part of research, management, and enforcement.

17 Next slide. So I'm just keeping track of  
18 things here. I'm winding down. That's sort of the  
19 101 lecture. And I just wanted to quickly, I have a  
20 slide on Australia here, one on New Zealand, one on  
21 Maryland, one slide on each, and again this is derived  
22 from that Shrenk, et al. reference that I showed in  
23 the beginning, which is not based on any of my  
24 research, my firsthand knowledge, and you can see it's  
25 somewhat dated. That last photo there from that

1 publication from 2003, they had numbers from 1999  
2 about how much cost recovery was going on in  
3 Australia. Discussions began in the 1980s, and I felt  
4 the way they approached it is sort of a two-step  
5 process. One is, you know, basically asking this  
6 question if a particular entity, if a particular group  
7 of commercial fishermen, recreational, foreign fleet  
8 or what have you did invest, would then the government  
9 not be spending money in that area, and if the answer  
10 was yes, then they were subject to cost recovery.

11 So that was step one, and then this is where  
12 they ran into, well, is it really a fishery we want to  
13 go to cost recovery with. Suppose this is a small  
14 scale. If it's a fishery that's been going on for  
15 many years, a traditional way of life, very low  
16 income, are we going to go and try and get cost  
17 recovery from this fishery. You know, these are the  
18 other kinds of considerations.

19 This is where the equity considerations  
20 would come into determining whether or not it made  
21 sense to move forward with cost recovery in the  
22 fishery. And here you again see quite a number of  
23 years ago a large share of the costs of management  
24 were recovered, were being recovered, I don't know  
25 what the latest numbers are, and about 7 percent of

1 the landed value of the fish. Next slide.

2 This is from the same publication about New  
3 Zealand. I believe Karen Park is in the room, and she  
4 has some firsthand experience having spent some time  
5 over there and has given some very nice presentations  
6 at headquarters about her experience in New Zealand  
7 and does talk somewhat about cost recovery there as  
8 well. She may have some more insight and updated  
9 information.

10 But in New Zealand you see that more of the  
11 costs are recovered, about 70 percent, similar to  
12 Australia, you know, which was 7 percent or 8 percent  
13 of the landed value, and again there are some general  
14 principles that are adopted in terms of who should pay  
15 and, you know, when cost recovery should be  
16 implemented. But basically similarly, if you're  
17 benefitting, you should pay.

18 And I think the last thing bullet is  
19 interesting is that if you're creating a problem, if  
20 you're creating risk, and here they're talking about  
21 environmental or biodiversity risk, it could be  
22 interactions with resources that requires some  
23 government expenditures or something, you're also  
24 liable to, you know, pay for cost recovery in that  
25 case. So that's another way of looking at it. Next

1 slide.

2           So I talk a little bit about my experience  
3 when I was at the University of Maryland and was asked  
4 to help out on topics that came up. And the story  
5 there was that the recreational industry, a  
6 representative of the recreational fishermen went to  
7 Maryland Department of Natural Resources and said hey,  
8 you know, we pay a lot more in license fees. You get  
9 a lot more revenue from us than you do from the  
10 commercial watermen, and therefore why is our  
11 allocation of, for example, striped bass not  
12 reflecting that. Why are we getting a lower  
13 allocation than we think we should? We're paying more  
14 of the freight on this.

15           So what Maryland Department of Natural  
16 Resources did in responding to that was did an  
17 analysis of their revenue streams, what they were  
18 getting from the license fees from both commercial and  
19 recreational side and then looked at their budget.  
20 They went through their budget on a case-by-case basis  
21 and came up with percentages that were allocated to  
22 supporting the commercial fishery, supporting the  
23 recreational fishery, and then we ended up calling the  
24 community in.

25           Again, this is the public benefit of

1 managing our fisheries, and so that was an exercise  
2 they went through with sort of an expert opinion. The  
3 program leaders for each of these programs were asked  
4 to figure that percentage out, and they did this  
5 analysis and the analysis confirmed that in fact, yes,  
6 recreational license revenues were making up a much  
7 larger part of their income and that they were using  
8 the general funds that they were receiving from the  
9 state legislature to basically make up the difference  
10 on the commercial side. So they're spending more on  
11 the commercial than they were getting from their  
12 revenues and using the general funds to support that  
13 difference.

14 And so the result of that is they realigned  
15 their budget, and then they went to the commercial  
16 watermen and said all right, we're going to cut these  
17 programs because we only get this much revenue from  
18 you and we have to reallocate funds back to support  
19 the recreational fisheries and we don't have money to  
20 spend on these programs, or we can increase your  
21 license fees.

22 And the industry didn't like it, and, you  
23 know, they kind of had to smooth it over with their  
24 membership, but they went along with increasing the  
25 revenues, increasing their license fees because they

1 saw the value of the research programs that were going  
2 to be cut. So I thought that was a really interesting  
3 experience and wanted to share that with you.

4 So now last slide. So just summing up,  
5 these are some of the high points about trying to get  
6 the right amount of expenditures, but in fact, you  
7 know, we have this excess demand. That's shorthand  
8 for saying we're, you know, probably fairly highly  
9 constrained in our budgets in what we get to spend,  
10 and we view the differences between the catch share  
11 and the non catch share in terms of the situation  
12 about the difficulties or not of cost recovery.

13 So last slide. Thank you for your  
14 attention, and I'd be happy to take any questions or  
15 comments.

16 CHAIRMAN RIZZARDI: Thank you, Doug.

17 Tony, did you want to start?

18 MR. CHATWIN: I don't have any questions.  
19 So, Doug, this is Tony Chatwin. Thank you very much  
20 for your presentation. I don't have any questions at  
21 the moment, but maybe my fellow committee members do.  
22 Pam?

23 MS. YOCHER: Thank you. One of the comments  
24 that I often hear and I don't know how this would fit  
25 into the economic model is it's not so much a shortage

1 of money as a way things are implemented. And so, for  
2 example, when there's the excess demand, you know,  
3 there's a thinking that it seems the way the graphs  
4 were represented, the money would first be spent on --  
5 the highest priority would be addressing the  
6 fisheries' needs, and then whatever is left over is  
7 for the general public. And so therefore, if there's  
8 a shortfall, you know, and fisheries isn't happy, it's  
9 because there's an overall shortfall as opposed to  
10 maybe that's not how the funding was actually  
11 prioritized if that makes sense.

12 MR. LIPTON: Yeah, that's a very insightful  
13 comment, and it's what I alluded to when I said that  
14 those supply and demand graphs were, you know, pointy  
15 and regular and everything worked out really well.  
16 And when you have a budget constraint, the order -- so  
17 if you can do everything, then it's not an issue,  
18 right? But as soon as you have a constraint, the  
19 order in which things enter becomes really important,  
20 and the opinions about what should be in the program  
21 and what should be out of the program will differ  
22 between the industry and government let's say about  
23 what should be done.

24 So that's exactly right. So that's a  
25 difficulty, you know, when you have a constraint, what

1 the order is that things would enter and what's in the  
2 program and what's out.

3 CHAIRMAN RIZZARDI: Julie.

4 MS. BONNEY: I guess I was a little  
5 surprised about the presentation and the direction. I  
6 was thinking that it would be insightful to understand  
7 we have the ability to do cost recovery. I don't  
8 think that there's been really a good understanding of  
9 the fisheries that are actually under a cost recovery  
10 presently. So this is theoretical in terms of what  
11 the cost recovery might be from the industry group.

12 Yet I don't know whether the cost recovery  
13 components of Magnuson have actually been implemented  
14 across all the different fisheries that might need to  
15 be in that box. So I guess my question is how have we  
16 done with cost recovery, how much funds are we  
17 generating through cost recovery, and where are those  
18 funds actually going?

19 MR. CHATWIN: So if I may, I think those are  
20 excellent points. What we had hoped to do with Doug's  
21 presentation is to provide everybody with sort of an  
22 overview of the concept because we weren't sure  
23 whether we all shared the same understanding of the  
24 concepts involved in cost recovery but that very much  
25 the next step is to start to talk about the

1 implementation of it and how it applies and whether we  
2 want to even take this up as an issue for us. But in  
3 the last reauthorization of Magnuson there were some  
4 cost recovery provisions in there, and we can look at  
5 those once we're done with Doug.

6 And there are some fisheries where it has  
7 been implemented and others that are considering  
8 implementing cost recovery, and that's where the  
9 opportunity lies for us as a body to consider whether  
10 or not we want to provide any guidance or advice on  
11 that issue. So I think your questions are right on.  
12 It's just --

13 MS. BONNEY: It's the next layer.

14 MR. CHATWIN: It's the next step. It's  
15 right -- when Doug's finished, we'll get into that.

16 MS. BONNEY: So can I do one followup  
17 question then? So the examples that you gave for  
18 Australia and New Zealand, were those the -- what was  
19 it, 7 percent and 8 percent in terms of the value of  
20 the fish, was that based on some kind of a cap level,  
21 or was that based on the proportion of the cost  
22 recovery that they were trying to achieve?

23 MR. LIPTON: I had a little trouble hearing  
24 the question, but based on those numbers, 7 percent, 8  
25 percent in Australia and New Zealand, that was how --

1       that wasn't -- it wasn't like we were going to recover  
2       7 percent or 8 percent, and it was on the value of the  
3       landings. That's how much it added up to when they  
4       went through their process and determined what was  
5       eligible for cost recovery and how they would  
6       implement it in each of those fisheries. Then that  
7       was the consequence. That number is sort of how it  
8       came out.

9               So it's different than saying like in  
10       Magnuson you could recover up to 3 percent or  
11       something. You know, that's not how it was  
12       determined. It was determined by going through those  
13       rules and then when they did that and said here's all  
14       the cost recovery we're going to do, they just take  
15       the number and divide it by the landings to get those  
16       percentages.

17              MS. BONNEY: So they -- I guess I'm -- so  
18       they could -- you could take 100 percent of the value  
19       of the fishery to meet some amount of cost recovery  
20       then in those structures?

21              MR. LIPTON: Right. You could say, you  
22       know, for every pound landed, you know, in every  
23       fishery, you know, you're going to have to pay the  
24       cost recovery that's attributed. You know, there was  
25       a process to say these are the costs that are

1       attributable to you, your sector, and you have to pay  
2       all of it. Or sometimes they had that latitude to,  
3       and I'm not an expert on the rules and regulations.  
4       There may be more to that. Again, we could get into  
5       more detailed analysis in next step type of things to  
6       see how the rules and regulations are specifically in  
7       these other countries where it's been implemented.

8               CHAIRMAN RIZZARDI: So one of the reasons  
9       this made it on to our agenda is it comes up  
10      periodically, and the discussion we just got was sort  
11      of on the question of should we be pursuing cost  
12      recovery. You know, is it a good idea? What are  
13      examples from other places?

14             But another question that always comes up  
15      that hasn't really fully been answered is can we  
16      pursue cost recovery, and sometimes we hear that there  
17      are legal obstacles to whether or not we can actually  
18      do it at all. So I just asked Sam, and I'm putting  
19      him on the spot now, who just walked in and missed the  
20      first part of the presentation, but I want to  
21      understand what we can or can't do as far as cost  
22      recovery is concerned.

23             MR. RAUCH: Yeah, remind me just not to come  
24      back next time. And I apologize for being a little  
25      bit late for this presentation. The Magnuson Act does

1 clearly put limitations on cost recovery per se where  
2 there is a set fee collected on landings that we  
3 collect. It's capped, and it's limited to catch share  
4 fisheries. We do have the ability to charge for  
5 permits that covers our sort of small amount of  
6 overhead costs for permits. We're actually required  
7 to do that under the Debt Collection Act. But that's  
8 not fully cost recovery. So currently the statute  
9 limits that.

10 I do not believe that it is outside the  
11 scope of this group given we've asked for advice on  
12 Magnuson Act provisions to think about whether that's  
13 the right answer. So I think you could sit there and  
14 say recognize that, you know, if this group were to  
15 say there should be more cost recovery, you could  
16 recognize that we may not have that authority and your  
17 advice might be to seek that. I also want to separate  
18 that out, though.

19 Cost recovery's one thing in that the  
20 industry is paying us to do a certain amount of  
21 basically cover the overhead for administration of  
22 these programs. Another aspect of this that I'm  
23 interested in is cost sharing, which I was just kind  
24 of looking over your shoulder at some of the slides.  
25 Some of the things they're talking about is not true

1 cost recovery. It's where the industry is picking up  
2 some of the things that the government has  
3 traditionally done.

4 We know like, for instance, the scallop  
5 industry goes out there and does some preliminary --  
6 they paid U Mass Dartmouth to go out and look at grids  
7 to see if there are yellow fin flounder -- yellow tail  
8 flounder up there so that they can avoid that. Well,  
9 that's something that the government can do. But they  
10 do that on their own, and they're a very lucrative  
11 fishery. They can afford that.

12 You see where some of the big cooperatives  
13 in Alaska, they do some of the things that the  
14 government can do. They communicate a lot amongst  
15 themselves. They sort of regulate themselves to some  
16 extent. That's in one way -- that's in essence cost  
17 sharing. I think if you look at the New Zealand model  
18 to some extent where they're doing the science, it's  
19 cost sharing as opposed to cost recovery because if  
20 the government is paying for the -- if the government  
21 is conducting the service of cost recovery, right,  
22 they're contributing to do that.

23 But where the industry is picking up that  
24 burden, that's more of the cost sharing, that we are  
25 sharing not only the management but also the

1 regulatory burden, and we see that more and more as we  
2 talk about observer costs, right, where the government  
3 cannot fund more observers, but many people for  
4 whatever reason want more observers.

5 So we talk about industry funding models to  
6 what has often been in many years a traditional  
7 government function. And so that's not really cost  
8 recovery, but that's cost sharing. We have complete  
9 authority to do that now. The question is is why, you  
10 know, how does that work more effectively. So to the  
11 extent that you're talking about cost sharing, I don't  
12 see a real limitation in our current authority.

13 To the extent that you're talking about cost  
14 recovery, there is a limitation, but it is within the  
15 scope of this group if you wanted to to recommend that  
16 that limitation be removed or altered or amended or  
17 left in place.

18 CHAIRMAN RIZZARDI: That was helpful, Sam.  
19 Members, comments?

20 MR. CHATWIN: I would just urge members to  
21 ask your questions of Doug because I know he is under  
22 time constraint. If you have any other questions.

23 MS. MORRIS: So, Doug, it sounds like all  
24 the examples that you've come up with are cost share  
25 based on commercial fisheries that are in catch share

1 management. So are there any examples of cost share  
2 for recreational fisheries, private rec?

3 MR. LIPTON: I don't see why not. I mean,  
4 again the examples, you know, in the catch share and  
5 again you think about the international examples are  
6 places where catch share has been implemented to a  
7 large degree. So, yeah, that's why those examples of  
8 cost recovery are aligned with catch share. But  
9 there's no fundamental reasons that recreational  
10 fisheries -- you know, again the implementation,  
11 realizing the different sectors, the for-hire sector  
12 and the private sector, you know, how does one  
13 recover, you know, in the practical sense more fees  
14 from private fishermen.

15 Although the example I gave in Maryland,  
16 they were already getting plenty of money for their  
17 recreational fisheries program from the recreational  
18 fisherman because of the recreational license fees  
19 that they were using. Someone could raise that  
20 recreational license fee as a mechanism to get the  
21 cost recovery from the recreational fishermen.  
22 There's no reason why one couldn't get it from that  
23 sector.

24 CHAIRMAN RIZZARDI: Okay. So we have no --

25 MR. RAUCH: So I'm not aware of a fisheries

1       issue on that, but I know that like with the duck  
2       stamp program, a lot of that money gathered from the  
3       recreational fishermen goes right back into state  
4       conservation programs that benefit that resource. So  
5       there are plenty of recreational models in which the  
6       recreational pay fees. I'm not sure that they view it  
7       as cost recovery, but they're paying permit fees that  
8       essentially fund all the science and management on  
9       that program.

10               MR. BROWN: Yeah, there's another parallel  
11       and it's the sport fish restoration program, which  
12       really is the heart blood of funding for most states  
13       because they basically take their license revenue and  
14       match it with money from the sport fish restoration  
15       program. Of course, those revenues are derived from  
16       fish and tackle and excise taxes and a boat gas tax  
17       and a number of things.

18               There is one very important limitation, and  
19       that is that they can't use that money for law  
20       enforcement purposes. Otherwise, they go into an  
21       ineligible situation for funding. And the majority of  
22       states, I believe that is their true source of revenue  
23       for wildlife and sport fishing. And of course the  
24       sport fishing also includes saltwater, so there's that  
25       benefit there too to the states.

1                   CHAIRMAN RIZZARDI: Okay. Any more  
2                   questions for Doug, or can we let him go enjoy the  
3                   rest of his lunch break?

4                   (No response.)

5                   CHAIRMAN RIZZARDI: Doug, thank you very  
6                   much for your presentation today. Thanks for being  
7                   with us.

8                   MR. LIPTON: Thank you all. Thanks.

9                   MR. CHATWIN: Thanks, Doug.

10                  All right. So now we get into the part of  
11                  the meeting where we can brainstorm about whether or  
12                  not we want to take on this issue, what sort of  
13                  information we would like to gather to inform the  
14                  discussion about this, whether or not we're going to  
15                  or if we have to discuss what are the aspects we want  
16                  to discuss. And, yeah, that's kind of the guidance I  
17                  have gotten. I would just share an example. I mean,  
18                  if we need to reference the language in Magnuson, I  
19                  have that open here.

20                  The other thing that I did some research --  
21                  well, we know that the groundfish fishery, the Pacific  
22                  groundfish fishery has a cost recovery element, and I  
23                  know that the New England and Mid-Atlantic Councils  
24                  are developing an omnibus amendment for observer  
25                  funding, and that seems to fit more under the guise of

1 cost sharing.

2 But that's something that's being pursued,  
3 and it's worth taking a look at because it's  
4 interesting how the different options that are being  
5 considered have the possibility of setting observer  
6 coverage goals for each of the fisheries and then  
7 deriving costs that way and seeing how much of the  
8 share the industry's going to put up with.

9 And each sector might have -- sector meaning  
10 part of the industry, might have an interest in having  
11 either higher observer coverage than is possible with  
12 the public funds either for issues of being concerned  
13 about the precision of the data or how to manage  
14 bycatch better. I don't know, there may be a number  
15 of different reasons for which the industry itself  
16 would want to have higher quality data coming in than  
17 currently is possible.

18 So those are two fisheries that we could  
19 look at as examples. I'm sure there are others around  
20 the country. Alaska, you mentioned that there is,  
21 well, cost recovery or cost sharing going on?

22 MR. RAUCH: In Alaska, for a long time the  
23 industry has paid a substantial portion of their  
24 observer costs. They pick up basically the cost, the  
25 physical cost of paying the observers but not the full

1 cost of running the program. There are data  
2 collection oversight things that the Alaska Fishery  
3 Science Center has to take that and comes out of the  
4 budget. So there's no situation where an observer  
5 program is completely truly 100 percent industry-  
6 funded. But they have for decades picked up a  
7 substantial portion of the costs.

8 In addition, within the cooperatives  
9 themselves or within some of the Alaska cooperatives,  
10 they essentially perform a level of management of  
11 themselves that allow us to have a less intrusive  
12 management regime. Where they're looking at bycatch,  
13 their own cooperative will set a bycatch cap for the  
14 industry, but the industry will maneuver their boats  
15 here and there to help meet it. So there are  
16 communication costs and other kinds of things that in  
17 other fisheries the government might be kind of  
18 picking those kind of things up. They're just doing  
19 it.

20 So that is more we're sharing the  
21 management. There are costs associated with that as  
22 opposed to the observers, which there's a much clearer  
23 sort of financial outlay that they're making.

24 MR. CHATWIN: Okay. So I'll open up to the  
25 committee as a whole, and I know, Pam, you had your

1 hand up.

2 MS. YOCHER: I just wondered if Sam could  
3 answer the question Julie asked, which was, as I  
4 understand it, is everything that can be done under  
5 Magnuson currently being done.

6 MR. RAUCH: Maybe you could re-ask the  
7 question because I was walking in then and I didn't  
8 hear that.

9 MS. BONNEY: So coming from the North  
10 Pacific, the 3 percent cost recovery, I know that it  
11 applies to some of the catch share programs but not  
12 all and that there was a rulemaking process to try to  
13 bring some of the other fleets into the cost recovery  
14 regime. So that's just an Alaska example. So I guess  
15 I'm thinking across all eight council regions whether  
16 all the fisheries are being treated the same based on  
17 the requirement that they be in a catch share  
18 construct.

19 MR. RAUCH: That is our goal. For instance,  
20 the Pacific when they implemented their groundfish  
21 program, they did not bring in a corresponding catch  
22 share program, and we indicated this was a deficiency  
23 and they had to bring themselves in, and so they're  
24 still I think in the process of getting all that  
25 worked out. We intend that every program that is a

1 catch share program meet the congressionally mandated  
2 requirement for cost recovery. I cannot sit here and  
3 tell you right now that everyone has done that, but we  
4 are working on getting every one of them into process.  
5 Alan, do you know if we're still missing any?

6 MR. RISENHOOVER: The main one was --

7 MS. BONNEY: One more followup. I was under  
8 the impression that like AFA and the voluntary  
9 cooperatives for cod in the Bering Sea, while it was  
10 in process, you really hadn't actually taken it  
11 through the full rulemaking to actually implement cost  
12 recovery for those sectors.

13 MR. RAUCH: It may not be complete. I will  
14 grant you that. But it is our goal to bring everybody  
15 into compliance with that requirement.

16 MR. CHATWIN: Any other questions or  
17 comments?

18 MS. EDER: I participate in two catch share  
19 fisheries out of the Pacific. One is a fixed gear  
20 limited entry program that has kind of predated catch  
21 share programs per se but has tier or fixed amount of  
22 pounds associated with each permit. And then also we  
23 participate in the trawl IQ Program.

24 And just for kind of information purposes,  
25 as has been mentioned, in the trawl individual quota

1 program, there is cost recovery. I do pay 3 percent  
2 on our landed catch, so that's an example of a fishery  
3 where it has been implemented and we are paying it.  
4 One of the species in that trawl IQ Program is sable  
5 fish, and there's multiple species in the trawl IQ  
6 Program, but we happen just to deal with sable fish.

7 In contrast, for example, though, in the  
8 Pacific in the fixed gear program, also fishing for  
9 sable fish but under a program that started 10 years  
10 ago, although that's supposed to have cost recovery,  
11 it does not yet have cost recovery.

12 So there's an example of two different  
13 programs involving one of the same species for which  
14 there is different allocations where one has a cost  
15 recovery program and the other, although I believe  
16 under Magnuson is required to, does not yet have one.  
17 And so there's just been different tracks and times of  
18 development along the way, and so that's just kind of  
19 information.

20 I am really interested in the issue of  
21 looking at cost recovery nationwide, and I think a lot  
22 of you have heard some of my earlier comments about  
23 looking at where are we consistent nationally with our  
24 policy and if we aren't, is that because of particular  
25 regional differences due to the fishery specifics or

1 is it due to the fact that just by nature of regional  
2 management everything just doesn't move forward on the  
3 same pace, and how does that influence the lack of  
4 cost recovery in some programs? How does that  
5 influence policy? So that's just one observation.  
6 I'd like to see us move forward with it.

7 On the cost sharing issue, which is  
8 something a little bit different and I would imagine  
9 there's cost sharing -- it might be cost sharing of  
10 different types. But in regard to the observer  
11 program, for example, on the Pacific Coast, in the  
12 fixed gear fishery, we have observers, but only 30  
13 percent coverage, and it's a certain type of observer  
14 coverage, in other words, just to generate scientific  
15 observations and data. And for that, the fixed gear  
16 fleet does not pay for those observers per se.

17 In the trawl fishery, we have 100 percent  
18 observers, and I hear what Sam is saying that we don't  
19 underwrite the entire cost of those observers, but we  
20 pay for those observers. Right now NMFS on the  
21 initiation of the program contributed to the observer  
22 costs for the first two, I think three years now, but  
23 that contribution was I think about 25 percent of the  
24 cost. It's going to end at this year, and then  
25 there's going to be 100 percent, my understanding, for

1 beginning in 2015 we'll bear those costs.

2 Again, from a policy perspective, it's our  
3 understanding or my understanding that observer  
4 programs and how they're funded are treated  
5 differently between regions, and I think there's a  
6 perception that some of that is as a result of  
7 politics rather than policy, and I think there's an  
8 equity perception and equity issue when you're looking  
9 at costs of observer programs. So thank you.

10 MR. CHATWIN: Thank you. Anybody else have  
11 comments? Keith?

12 CHAIRMAN RIZZARDI: I leaned over to Paul,  
13 and I guess I just need some clarity on the  
14 relationship between the language we heard about  
15 yesterday and its potentially limiting effect on  
16 NOAA's ability to get money from private sources and  
17 how that affects the concept of cost sharing, which  
18 seems to be related. I mean, if it doesn't affect it  
19 at all, I just wanted to get that clear on the record,  
20 but I just saw this overlap.

21 MR. RAUCH: Well, I mean, this issue comes  
22 up mostly in the observer context where the industry  
23 is paying some or all -- some substantial portion of  
24 the observer costs. When that happens, that money  
25 rarely goes to us. Often, even if it does go to us,

1       it's passing through some observer provider. So it is  
2       not like -- I think what Congress is trying to get at  
3       is where you're giving money to a NMFS scientist to do  
4       NMFS work to hire to use those kind of things. For  
5       the observer funds, either the industry is hiring the  
6       observers directly and the money never really goes to  
7       the federal budget, or sometimes in some of these  
8       programs we act as a facilitator. It may technically  
9       come into us briefly and then go back out, but it is  
10      not the same kind of where we're actually receiving  
11      the receipt in.

12               But I can't answer all the questions about  
13      how that language is to be interpreted, but I think  
14      that we would likely not view it as impacting our  
15      ability to -- impacting the ability of the industry to  
16      fund those observer programs where they've been doing  
17      that for a long time. And I think if Congress thought  
18      that was what they were doing, they wouldn't say it.

19               MR. CHATWIN: Paul Clampitt, did you have a  
20      comment?

21               MR. CLAMPITT: Well, I was just trying -- I  
22      figured he knew, maybe I could save some time. So my  
23      question is in the Atlantic on the new catch share  
24      programs there, does the industry pay for their  
25      observers?

1           MR. RAUCH: In New England, they do not yet,  
2           although there is a funding mechanism which would  
3           allow them to do so. There's a mixture of observers  
4           as I think some -- I forget who was mentioning it.  
5           Some of them are Endangered Species Act observers.  
6           Some of them are at sea monitors which are solely  
7           there to sort of facilitate these catch quota systems  
8           in the New England sectors.

9           They currently are debating an omnibus  
10          amendment with both the Northeast, the New England  
11          Council and the Mid-Atlantic which would identify  
12          these fisheries where there would be an industry  
13          contribution and how that mechanism will go. But I  
14          think that there are -- maybe I should back up.

15          There's also the research set-aside program  
16          which has recently fallen under some ill repute which  
17          is used to fund some observers there. So they take a  
18          portion of the catch, they sell that and they can fund  
19          that. But otherwise, mostly in the Mid-Atlantic and  
20          the Northeast NMFS pays for more of the observers than  
21          other parts of the country, certainly more than they  
22          do in Alaska and we can't afford it.

23          MR. CHATWIN: Thank you. So one other  
24          question I think in Doug's presentation, he was  
25          clearly talking about cost and benefits. And, you

1 know, it would be helpful to hear from those that  
2 engage in fisheries what benefits you see from cost  
3 recovery or cost sharing programs, especially between  
4 the two that are very different that you participate  
5 in, you know, because I think the idea is to generate  
6 more benefits, right, than could be done just with the  
7 public funding alone. Julie?

8 MS. BONNEY: I do know one example that I  
9 thought was beneficial for cost sharing, and it was in  
10 the rockfish program out of the Gulf and they  
11 basically have catch monitoring and control plans.  
12 And so instead of having observers in every processing  
13 plant, actually the funds were used to hire a full-  
14 time equivalent in that he's the monitor, so he goes  
15 around and makes sure that they're doing their species  
16 ID and the flow scales and all the scales are working  
17 within the plants.

18 So, on an industry level, it worked well  
19 because it's a lot more cost-effective to share that  
20 cost across the industry than trying to figure out --  
21 otherwise, the Agency would have had to hire that  
22 person out of their own pocket, and in the long run it  
23 actually saves us money.

24 MR. CHATWIN: Thank you. You want to share?

25 MS. EDER: The difficulty with kind of

1     answering your question is that it just leads me to  
2     get down in the weeds of some programs that maybe not  
3     everybody is compellingly interested in, and I'm not  
4     sure I understood Doug's presentation enough, but  
5     there was an assumption made I think in his  
6     presentation and I think there's generally an  
7     assumption that with the catch share program that  
8     there is a greater benefit, that there's an increased  
9     benefit to fishermen and to the industry as opposed to  
10    a non catch share program, and so that's why people  
11    assume then that catch shares and cost benefits, you  
12    know, that those two go hand in hand.

13           And there's a position that you can take,  
14    and I think it's legitimate, that because catch share  
15    programs themselves are by nature redistributive in  
16    terms of allocation, in other words, people who are  
17    not in catch share fisheries frequently catch a great  
18    deal more than what they end up being allocated in a  
19    catch share program, that prior to catch shares the  
20    benefit to them is -- I'm not sure if you understand  
21    what I'm saying.

22           But there was an assumption in that  
23    presentation that there were, you know, higher  
24    benefits to fishermen. In fact, the analysis would be  
25    if you looked at it that there was a larger amount of

1 catch prior to the catch share program that the  
2 benefits would not be as identified in that  
3 presentation. So I kind of have to take a step back  
4 from the assumption that there are necessarily cost  
5 benefits in every catch share program. So that's  
6 number one.

7 The biggest issue that I see in terms of  
8 cost benefits and catch share programs and cost  
9 recovery is transparency. We're brand new, and I  
10 think that's an example from the Pacific that I think  
11 we're going to hear in any cost recovery program is  
12 transparency to industry. When anybody is paying for  
13 something or perceives that they're paying for a share  
14 of something, whether it's when we're going to the  
15 grocery store and buying something or paying for some  
16 product, I think that we all want to see or have a  
17 clear understanding of what we're paying for.

18 And so what is included in cost recovery,  
19 you can see there's a variety of things all the way to  
20 council time at management to enforcement. There's a  
21 huge range of what can be included in a program. But  
22 I think from an industry perspective, as these  
23 programs are implemented, we want to see what we're  
24 paying for, not just what does it include, but how is  
25 it calculated, and I think that's an industry concern

1       that whether you're in recreational, commercial or  
2       elsewhere that would be a qualification or a  
3       characteristic of the program that's really important.

4               MR. CHATWIN: Thank you. So on that point,  
5       you know, just reading from what's in the Act, it says  
6       that there is a -- the mechanism, and this is probably  
7       a simplification of what really happens, but that the  
8       fees that are collected are deposited into a limited  
9       access system and administration fund, which is a  
10      special account not subject to appropriations, not  
11      subject to fiscal year limitations, and that they're  
12      then disbursed. Is there some sort of report on the  
13      use of those funds or the flow of funds that would  
14      maybe address issues that Michele has raised?

15             MR. DOREMUS: That fund does get audited,  
16      and we do have records and I'm sure we could figure  
17      out a way to make them available. We don't normally  
18      produce a report for public purposes or anything like  
19      that, but we do routinely from an audit and fiscal  
20      management point of view look at the administration of  
21      that fund.

22             MR. RAUCH: Actually, at least for Alaska  
23      and I'm not sure for the rest of the country, there is  
24      an annual report because during the shutdown I had to  
25      become really familiar with it. But, yes, there is

1 one.

2 MR. DOREMUS: We will look into what  
3 information we can make available if you could take an  
4 action there and make sure that the committee is aware  
5 and can get access to the material.

6 MR. CHATWIN: Thank you. Dave?

7 MR. WALLACE: I can tell you that the tile  
8 fish plan at the Mid-Atlantic Council, which is an ITQ  
9 fishery, pays a fee which is based on a report that  
10 NMFS provides at the end of the fishing year of all of  
11 the expenses that they had regarding that particular  
12 fishery, and then it is divided by the number of  
13 pounds of or the number of dollars caught and they  
14 know that by boat, and then each boat has a percentage  
15 of that catch and so they're allocated that percentage  
16 of the cost that the administration says that they  
17 spent.

18 And it fluctuates all over the place. They  
19 were complaining last year that they had to reprogram  
20 their computers and spent a huge amount of money on  
21 outside programmers to reprogram the -- reformat the  
22 computer program to track the fishery. And so let's  
23 say it was X the year before, and it was 3X the next  
24 year, and they don't know that until they open their  
25 basically invoice from NMFS, who then itemizes all the

1 expense, then their percentage of that expense and  
2 therefore there's your fee. And so it fluctuates  
3 widely, and I know that that's been a complaint of the  
4 tile fish fisherman. Thank you.

5 MR. RAUCH: Can I just clarify? But it  
6 still is under 3 percent.

7 MR. WALLACE: Yeah, I think it's capped at 3  
8 percent.

9 MR. RAUCH: Right. So it fluctuates, but  
10 below 3 percent.

11 MR. WALLACE: Yes.

12 MR. CHATWIN: Paul and then Michele.

13 MR. CLAMPITT: Thanks. Quickly. In the IFQ  
14 fishery and the halibut and sable fish fishery in  
15 Alaska, we get that bill just like he says, and it  
16 fluctuates. It's usually about 1 and a half percent,  
17 somewhere in there. But now they changed the observer  
18 program where we funded it. The observer programs  
19 went out and hired their own observers. They came on  
20 the boat. We had to carry them for a certain length  
21 of time, and we just wrote the observer company a  
22 check. Now that's been taken over by National Marine  
23 Fisheries Service, and we're charged a 3 percent ex  
24 vessel price, and all the groundfish fisheries in  
25 Alaska pay that.

1           And so at the beginning of the program, we  
2       ended up with about 8 percent coverage I think it was.  
3       I think it was 18 percent coverage where in the past  
4       it was 30 percent, so we got less bang for our buck as  
5       far as observer coverage. But now they've done some  
6       recalculation. I think next year we're going to get  
7       24 percent coverage because they found that there's  
8       more money. So just to clarify that how it works in  
9       Alaska, it's different off the coast of the Pacific.

10           MS. EDER: I want to say thank you for  
11       offering to provide me with the information about  
12       those reports, but I want to clarify that there are  
13       four reports that are in existence, and I've looked at  
14       one of them that identify how the costs were  
15       calculated. And I've only looked at the Pacific  
16       Council one. So thank you, and we have taken a look  
17       at it.

18           I think in the genesis as these programs are  
19       developed, what you'll then see is when industry reads  
20       those reports it has questions and getting responses  
21       to those questions is not really what's been  
22       happening. So that's just a one region issue, and I  
23       think what it really raises, though, is a broader  
24       policy question, is that, you know, nationally is  
25       there a policy relative to cost recovery as to which

1 aspects of cost recovery are going to be included. Is  
2 that going to be determined, you know, fishery by  
3 fishery and, if so, you know, why. Since we tend to  
4 regional management anyway, so there could be a lot of  
5 justification for a different approach depending on  
6 the fishery and cost recovery. The other side of it  
7 is that, you know, what is the justification for in  
8 some cases including enforcement costs and/or council  
9 time and NMFS staff associated with that.

10 So I'm kind of looking for instead of what  
11 seems like potentially a piecemeal approach to cost  
12 recovery, to me, I'm interested is there a discussion  
13 about what the national standards for cost recovery  
14 should be. And that's why I think it might be  
15 relevant to MAFAC in addition, not just the commercial  
16 fisheries but also to other fisheries that NMFS  
17 manages. So that's why, you know, thanks for the  
18 opportunity to give specific examples, but I think it  
19 just raises the broader policy questions.

20 CHAIRMAN RIZZARDI: So I'm trying to think  
21 about next steps or where do we go from here and the  
22 way this is sort of functioning is as our subcommittee  
23 meeting on planning. And I think we have to decide as  
24 a body do we have an appetite to address this issue  
25 further, because what I'm hearing in the discussion is

1       that we would need to do some more investigation, get  
2       some more information, for example, what kind of cost  
3       recovery and cost sharing is taking place in the  
4       specific regions and in the specific fisheries, and we  
5       would be putting together some documentation on that.

6               We'd get more information on what cost  
7       recovery or cost sharing is taking place at the state  
8       level, and I'd be looking to our advisers from the  
9       state committees for some help on that. I think we  
10      have to understand, as Michele was just saying, what  
11      kinds of activities are covered.

12             And then if we finish that review and think  
13      it's worthwhile, we'd have the opportunity to make a  
14      recommendation that says we think this should be  
15      considered in Magnuson reauthorization. I think it's,  
16      you know, a worthwhile but big lift, and I just would  
17      like to know if that's something we're interested in  
18      undertaking.

19             MR. RAUCH: Not everything you discussed  
20      here would necessarily need statutory change. I mean,  
21      if, for instance, you decide that we don't have  
22      consistent guidance and you recommend that, I don't  
23      see that as a statutory issue, but other things might.  
24      If you wanted to broaden the range in which we're  
25      required to get cost recovery from, that probably

1 would or narrow it, that probably would.

2 MR. CHATWIN: So, Randy?

3 MR. FISHER: I agree with Michele. I mean,  
4 we're starting to hear this a little bit. The mother  
5 ships are coming in and saying our costs are not  
6 nearly what they are in other areas, and they're  
7 starting to, you know, wonder what's happening. There  
8 may be another way of doing it.

9 I'm not sure it's really a MAFAC thing  
10 necessarily. I mean, I think it's something as we  
11 mature in some of these fisheries and we start looking  
12 at cameras versus observers, the costs are going to  
13 change. I don't know where the 3 percent really came  
14 up with or how they decided that, but I definitely  
15 know that it's an issue and it's something we need to  
16 think about, whether it's a task force or something  
17 that just deals with NOAA and not a MAFAC issue, maybe  
18 something.

19 And, Keith, I don't know. You've got a lot  
20 on your plate, and this is an important one because  
21 the questions are not going to go away, I can assure  
22 you of that. And the question is is whether or not,  
23 you know, there's another way to do it besides all the  
24 issues that you're already looking at.

25 MR. DOREMUS: So one thing I might offer,

1 and these are very good questions raised here, and I  
2 would by the way welcome specific questions that if  
3 you haven't gotten answers to before you should get  
4 them, so we can take care of that later.

5 On some of these broader matters, I think  
6 Randy raises a good question, what is the right step  
7 forward. It might be beneficial in effect to  
8 catalogue the sort of considerations that are coming  
9 out of this discussion now.

10 This is an issue, admittedly we didn't put  
11 it on the short list of topics we raised yesterday as  
12 something to consider taking up immediately with a  
13 work group or some other mechanism in part because our  
14 thinking is at a relatively formative stage and some  
15 of the issues are so broad. They run from policy  
16 matters of a very high order to somewhat technocratic  
17 matters about how the existing programs actually  
18 function.

19 We are continuing to do a lot of research on  
20 this. It is a topic of great significance to us  
21 internally. We're looking at how these programs have  
22 functioned in other countries and continuing to gather  
23 data. So short of deciding on action to take today,  
24 we could talk about the types of questions that we  
25 should be addressing and bring them forward in future

1       engagements with the council from the vantage point of  
2       our own work and how far we've gotten and what  
3       mechanisms might be appropriate, be they additional  
4       MAFAC consideration or activity or some other type of  
5       venue or avenue for following up on some of the policy  
6       questions.

7               So there may be kind of multiple ways to get  
8       at this. I just think that we're fairly early in in  
9       our understanding and could bring forward a greater  
10      range of content and perspective to the committee in  
11      future meetings.

12             MR. CHATWIN: Thanks for that, Paul. I  
13      think, I mean, that would be very helpful to get that.  
14      I do sense, though, that around the body as a whole  
15      that there is appetite for looking at this issue,  
16      spending time discussing this issue further. So I  
17      think that guidance would really help frame the  
18      discussion that we would do. I'm not sure that there  
19      is much more that we can do on this topic right now.

20             CHAIRMAN RIZZARDI: Okay. So thank you,  
21      Tony. We have a little bit of time on our agenda, so  
22      I wanted to know if maybe we could go back into  
23      subcommittee and realizing we haven't had a chance to  
24      go back to the issue of depleted versus overfished and  
25      what we committed to either today, Julie, is that we'd

1 at least have something for the committee to discuss  
2 tomorrow when we reopen the issue.

3 So I'm thinking we've got 40 minutes if we  
4 could sort of whoever's interested in sticking around  
5 for that issue dialogue on some potential language and  
6 then have something that we could present to the whole  
7 committee.

8 MR. CHATWIN: So just one other thing --

9 CHAIRMAN RIZZARDI: Yes, sir.

10 MR. CHATWIN: -- which is not related to  
11 that particularly, but you had identified this issue  
12 of grants and priorities and whether we wanted to  
13 discuss that further. Do you remember that?

14 CHAIRMAN RIZZARDI: Yes, indeed.

15 MR. CHATWIN: And that was -- okay. So I  
16 don't know if there's an appetite to go there now.

17 CHAIRMAN RIZZARDI: Yes, absolutely.

18 MR. CHATWIN: I don't know if -- but the  
19 idea is, and if I recall the discussion correctly,  
20 Paul, not to put you on the spot, but you were going  
21 to consider whether or not there was anything you  
22 could share with us in terms of priorities for SK. Am  
23 I remembering that? Yeah.

24 MR. DOREMUS: Yes, we would be happy to  
25 provide the draft document that's currently being

1 reviewed by the councils and commissions. We could do  
2 that.

3 MR. CHATWIN: Okay. So that would be great.  
4 Then we would have to find some time tomorrow to talk  
5 about it I think, and I don't think there is time  
6 tomorrow, is there?

7 CHAIRMAN RIZZARDI: So what I'm thinking is  
8 maybe we can use the time tomorrow morning from 9 to  
9 10 to have two sessions going, one on overpleted or --  
10 overpleted? I like that. That was really good.  
11 Overfished or depleted. I like that. I'm going to  
12 call it overpleted. One on overpleted and the other  
13 one on SK.

14 MALE VOICE: I think you just found a  
15 solution.

16 CHAIRMAN RIZZARDI: There it is.

17 So we'll do two sessions during the 9 to 10  
18 slot, and then for the 10 to 11 slot we can convene  
19 and talk about the recommendations that come out of  
20 those two items. And then we'll go into subcommittee  
21 reports in the afternoon, and we'll embed the work  
22 planning into the subcommittee reporting. So 9 to 10  
23 we'll have concurrent discussions, one on SK and the  
24 other one on overpleted.

25 MR. CHATWIN: Just one, if we could take a

1 quick poll, a straw poll here on the level of interest  
2 and potential participation because I imagine the  
3 Magnuson discussion is one that has a lot of interest,  
4 and I don't mind sitting by myself in a room, but I  
5 just want to be prepared. So how many people are  
6 going to go for -- yeah.

7 MALE VOICE: Or we just do a half-hour each.

8 MR. CHATWIN: Yeah.

9 MS. BONNEY: Maybe if you could send out  
10 what the text is so we could review it tonight before  
11 we have the discussion.

12 CHAIRMAN RIZZARDI: And what we were hoping  
13 we could do on the issue of SK was at least identify  
14 what kind of factors that we would recommend NOAA be  
15 considering as they are framing the grants, and we  
16 were recognizing they had a limited amount of time  
17 here. So if we're going to weigh in, now's our  
18 chance. So if we could at least identify key factors  
19 to be considered as they go through the grant process,  
20 that would be really helpful. So I'll work on  
21 reshuffling the morning, and we'll just have two  
22 separate sessions, one on overpleted and the other one  
23 on SK.

24 MS. YOCHAM: Mr. Chairman, I noticed that  
25 we -- I hope people don't get angry with me. Maybe

1       they had wild plans tonight, but I notice we're  
2       scheduled to start at 9 tomorrow instead of 8:30.  
3       Would it help if we kept to the 8:30 start tomorrow or  
4       no? People want more time to check out of hotels and  
5       things.

6               FEMALE VOICE: Yeah. I was so grateful for  
7       that.

8               MS. YOCHAM: Okay, for checking out of  
9       hotels and things. All right, never mind.

10              CHAIRMAN RIZZARDI: I think having sat in on  
11       the subcommittee discussions, I'm not anticipating  
12       that we have anything so controversial for the  
13       discussions from the committees that it will form us  
14       to consume the entire afternoon, so I think we can  
15       probably stick with the 9:00, do both of these  
16       discussions in the morning. You know, I'll squeeze  
17       the work planning into and have that roll over into  
18       the subcommittee report process and we'll still  
19       finish. Okay, other member comments?

20              (No response.)

21              CHAIRMAN RIZZARDI: Okay, Heidi, followup  
22       activities for this evening.

23              MS. LOVETT: So it seems like we have plenty  
24       of time to get over to NOAA by 5:30, which is the time  
25       I told Cheryl Oliver that is the earliest that we

1       thought we could get over there to the Gateway  
2       Exhibit. The map that you used yesterday is the same  
3       directions for today. The Gateway Exhibit is on the  
4       ground level, the plaza level of Building Two, which  
5       is when you head down Colesville and you go around the  
6       Metro and you cut through that little plaza, the first  
7       building is One, but that next building is Building  
8       Two, and it's right on the main floor, main level.

9               And so if you could meet at I think 5:15,  
10       the same as yesterday, Whitney met people and helped,  
11       you know, walk a group over, that that would work  
12       really well and we could be there by 5:30, and that  
13       gives you 45 minutes to relax, get your things back to  
14       your room. And I think you'll find it very  
15       interesting. And then there's nothing scheduled  
16       officially after that. And we have some extra maps  
17       over here again.

18              MS. MORRIS: Would you describe one more  
19       time the Gateway Exhibit?

20              MS. LOVETT: So the Gateway is -- I haven't  
21       been in it in quite some time, but it's an exhibit  
22       that is very hands on and displays all of the realm of  
23       science and work and responsibilities that NOAA has,  
24       not strictly fisheries but all of our line offices,  
25       and it's sort of a mini-museum and it's in some space

1       that's in the bottom of Building Two and it's always  
2       open to the public or it's open at certain times for  
3       the public and for these kinds of special  
4       presentations. And it has some hands on types of  
5       museum quality displays over there.

6               CHAIRMAN RIZZARDI: I did have one more  
7       question as I'm thinking through tomorrow. Julie, do  
8       you need any extra time for Protected Resources based  
9       on your conversation this afternoon, or are you pretty  
10      much ready for reporting out?

11             MS. MORRIS: Yeah, I'm going to write  
12      something up and circulate it to everybody who's on  
13      the subcommittee.

14             CHAIRMAN RIZZARDI: Do I need to build in  
15      some time tomorrow for your subcommittee?

16             MS. MORRIS: I don't think so. I think  
17      people will just respond via email and then have  
18      something ready when it's my turn to go tomorrow.

19             CHAIRMAN RIZZARDI: Okay.

20             MS. MORRIS: And I know I'm always very  
21      optimistic.

22             CHAIRMAN RIZZARDI: Okay. Phil, how about  
23      for Recreational?

24             MR. DYSKOW: I think we're good with the  
25      allotted time.

1 CHAIRMAN RIZZARDI: Okay. All right. Any  
2 other business?

3 (No response.)

4 CHAIRMAN RIZZARDI: All right. Thanks,  
5 everybody. Great meeting today. We're adjourned.

6 (Whereupon, at 4:32 p.m., the meeting in the  
7 above-entitled matter was adjourned, to reconvene at  
8 9:00 a.m. the following day, Thursday, September 25,  
9 2014.)

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REPORTER'S CERTIFICATE

DOCKET NO.: N/A  
CASE TITLE: MAFAC Fall Meeting  
HEARING DATE: September 24, 2014  
LOCATION: Silver Spring, Maryland

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the National Oceanic and Atmospheric Administration.

Date: September 24, 2014

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